

BEFORE THE APPELLATE AUTHORITY
(Under the Right to Information Act, 2005)
SECURITIES AND EXCHANGE BOARD OF INDIA

Appeal No. 6150 of 2024

Alok Jain	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated August 26 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated September 05, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg.No.SEBIH/A/E/24/00210) dated September 10, 2024. I have carefully considered the application, the response and the appeal and find that the matter can be decided based on the material available on record.
2. **Request in the application** - The appellant, vide his application dated August 26,2024 sought the following information:

"Please provide transaction details in all securities i.e. IPO, Equity, Mutual Fund, Fixed income, Derivatives etc. done by my Wife Priya Dharmesh Bhai Shah PAN No BK...8L from April 2010 to July 31, 2024."
3. **Reply of the Respondent** - The respondent, in response to the application, informed that the information sought is not maintained by SEBI in normal course of regulation of securities market. Hence the same is not available with SEBI.
4. **Ground of appeal** - The respondent has filed the appeal on the ground that he was refused access to information requested.
5. I have perused the aforesaid requests and the response provided thereto. I note that the respondent has categorically stated that the information sought is not maintained by SEBI in normal course of regulation of securities market. Hence the same is not available with SEBI. I note that the respondent can only provide information that is available in the records. In this context, I note that the Hon'ble Supreme

Court of India in *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors* (Judgment dated August 9, 2011) held that “*The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of ‘information’ and ‘right to information’ under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant.*” Accordingly, I do not find any deficiency in the response of the respondent.

6. In view of the above observations, I find that there is no need to interfere with the decision of the respondent. The Appeal is accordingly dismissed.

Place: Mumbai

Date: October 04, 2024

RUCHI CHOJER

**APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA**