

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

Appeal No. 5638 of 2023

Sidhesh Vijayakumar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated February 10, 2023 (received by SEBI on February 14, 2023) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 15, 2023, responded to the application filed by the appellant. The appellant filed an appeal dated March 20, 2023 (received by the Office of Appellate Authority on March 27, 2023). I have perused the application, the response of the respondent and the appeal and find that the matter can be decided based on the material available on record.
2. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent with respect to query numbers 2, 3 and 4. In view of the submissions made by the appellant in his appeal, I am only dealing with these queries and the response provided thereto, in this order.
3. **Query number 2-** The appellant, vide query number 2, sought the following information-

“2. Please refer to the attached report of NSE statutory committee formed as part of the SEBI Act and conducted in line with the requirement of SEBI. “MCSGFC”/ “Committee” of National Stock Exchange of India Limited held on June 2, 2022 In the matter of the Trading Member M/s. Angel One Limited. Item 5(1)(d) required Angel one to provide the Audited report of the top 3000 brokers on 3 months of report.

Please provide the Audited report and the modus operandi submitted for the above 5(1)(d), being the Audit performed by Angel one as required by the MCSGFC. Please provide all working notes provided for such an Audit.”

4. The respondent, in response to the aforesaid query. informed that the information sought is not available by SEBI as the same is not maintained by the department in the normal course of regulation

of securities market. The appellant, in his appeal, *inter alia*, stated that the response indicates that SEBI allows exchanges to spend IPF in such ways that a private commercial organisation can spend. Further, the appellant requested to provide the information sought by him.

5. I have perused the query and the response provided thereto. On consideration, I do not find any reason to disbelieve the response of the respondent that the requested information is not maintained by SEBI in the normal course of regulation of securities market. In this context, I note that the Hon'ble CIC, in the matter of *Lakshminarayanan R vs. SEBI* (order dated February 09, 2023) observed that *"Keeping in view the facts of the case, the Commission observed that the information sought by the appellant regarding Central Depository Services Ltd. was not maintained by the respondent authority in the normal course of regulation of securities market. It is an established law that the information sought for in order to be disclosable under the RTI Act, 2005 must be existent and available in the records..... In the instant case, the desired information was not available in the records of the respondent authority. The CPIO in his reply and written submissions has also sufficiently explained the reason for denial of information in the present case. Therefore, the denial is justified and upheld accordingly."* In view of these observations, I do not find any deficiency in the response.
6. Further, I note that the appellant, in his appeal, has made certain assumptions and allegations with respect to SEBI. In my opinion, the said submissions are baseless and unsubstantiated. In view of these observations, I do not find any merit in the submissions of the appellant.
7. **Query numbers 3 and 4-** The appellant, vide query numbers 3 and 4, sought the following information-

"3. Please inform me the Name, Designation, Badge number, Office Address and Phone no of the officer who would be responding to the above request.

4. Mode to appeal against the decision of the investigating officer including the Manner of submission of appeal petition."

8. The respondent, in response to the aforesaid queries, informed that the queries are not clear and specific and accordingly, the same cannot be construed as seeking "information" as defined under section 2(f) of the RTI Act.
9. I have perused the queries and the response provided thereto. On consideration I agree with the response of the respondent and I find that the queries are not clear and specific. The queries also

appear to be presumptive in nature. In view of these observations, find that the queries cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act. Accordingly, I do not find any deficiency in the response.

10. 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: April 26, 2023

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