

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

Appeal No. 4701 of 2022

Asha Rani Gupta	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated November 26, 2022 (received by SEBI on December 03, 2022) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated December 28, 2021, responded to the application filed by the appellant. The appellant filed an appeal dated February 07, 2022 (received by the Office of Appellate Authority on March 07, 2022).
2. I note that under Section 19(1) of the RTI Act, an aggrieved person may prefer the first appeal within thirty days from the receipt of the response from the CPIO of the concerned public authority. In the instant case, the impugned response from the respondent is dated December 28, 2021. The appellant, therefore, should have filed the first appeal on or before expiry of thirty days from the date of receipt of the said response. As noted above, the appellant’s first appeal was received on March 07, 2022. The first appeal has been made after the last date permissible under the RTI Act. The appellant neither made a request for condoning the said delay in filing the appeal nor made any submission explaining the reasons which caused the delay. Considering the absence of a request for condoning the delay and any valid reason that prevented the appellant from filing the appeal in time, I consider this appeal as time barred and hence, liable to be dismissed on that count.
3. Notwithstanding the above observation, I have considered the appeal on merit. I have perused the application, the responses and the Appeal and find that the matter can be decided based on the material available on record.
4. **Queries in the application-** The appellant, vide her application dated November 26, 2022, *inter alia*, sought information regarding action taken by SEBI/ NSE and BSE, with respect to her letter dated June 30, 2022 pertaining to 7 NR Retail Ltd. and Agro Phos India Pvt. Ltd.

5. The respondent, in response to the application, informed that SEBI is not in receipt of the letter June 30, 2021 referred in the RTI Application. However, the respondent provided information regarding lodging of grievance on the SCORES portal of SEBI and tracking the status of the same. Further, the respondent provided the toll free helpline numbers launched by SEBI to facilitate replies to various queries of the general public on matters related to securities market. Further, the appellant was advised to refer to the FAQs on “Investor Grievances- SCORES”, available on the SEBI website. The respondent also provided the link for accessing the said FAQs.
6. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent. The appellant, in her appeal, *inter alia*, alleged that the information provided is incorrect.
7. I have perused the queries and the response provided by the respondent. I do not find any reason to disbelieve the observation that the letter dated June 30, 2021 was not received by SEBI. In this context, I note that the Hon’ble CIC, in the matter of *Sh. Pattipati Rama Murthy vs. CPIO, SEBI* (Decision dated July 8, 2013), held: “... *if it (SEBI) does not have any such information in its possession, the CPIO cannot obviously invent one for the benefit of the Appellant. There is simply no information to be given.*” In view of these observations, I find that the information sought by the appellant was not available with SEBI and therefore, the respondent cannot be obliged to provide such non-available information.
8. Notwithstanding the above, I find that the respondent has appropriately guided the appellant to refer to the SCORES website for lodging her grievance, if any, and also provided helpline service numbers launched by SEBI, to facilitate replies to various queries of the general public on matters relating to securities market. Accordingly, I do not find any deficiency in the response.
9. The appellant, in her appeal, has questioned the correctness of the information provided by the respondent. In this context, it is observed that the Hon’ble High Court of Delhi, in *Hansi Ramat & Anr. vs Punjab National Bank & Ors.* (LPA No. 785/2012-decision dated January 11, 2013) held that “*the proceedings under the RTI Act cannot be converted into proceedings for adjudication of disputes as to correctness of the information furnished.*” Accordingly, I do not find any reason to intervene at this stage.

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: March 31, 2022

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