

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

Appeal No. 5425 of 2022

Sachin Ratnakar Aher	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated September 09, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated September 16, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00602) dated September 23, 2022. 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. **Queries in the application** –The appellant, vide his application dated September 09, 2022, sought the following information:

“Give me information ticket 355033 about defaulter BMA wealth creators limited give me about my stock bye NSE or BSE client name Sachin Ratnakar Aher unique client code ss.....4 where is gone my stock if NSE or BSE not have any record then which type legal action take if i do claim against defaulter BMA wealth limited ro NSE and BSE but both are say they not have any record about my demat trading account so pls give information about NSE or BSE not have my any record which type legal action against take if RTI officer not give me right information then I what take legal action against him in dated 05-10-2016 in do neft to BMA Wealth Creators Ltd for take stock so give about that information and give my about my stock information.”
3. The respondent in response to the query, 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 appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false.

5. I have perused the application and the response provided thereto. With respect to the query regarding status of his shares, 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 *Mrigesb Manubhai Thakkar vs. SEBI* (order dated December 28, 2016) observed that "*The Commission observes that the respondents can provide only that information which is existing and available with them and the RTI Act does not mandate it for the respondent authority to create information if it is not collected and collated in the normal course of their duties. The Commission, therefore, does not find any need to intervene in the matter. The appeal is disposed of.*" Accordingly, I do not find any deficiency in the response.
6. Further, with respect to the query regarding type of legal action that can be taken by the appellant, I find that the query is in the nature of seeking clarification/opinion, and accordingly, the same cannot be construed as seeking "information" under section 2(f) of the RTI Act. I also note that the application is in the nature of grievance. In my opinion, if the appellant has any grievance, he may approach the appropriate grievance redressal forum. I note that redressal of grievance does not fall within the ambit of the RTI Act.
7. 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 19, 2022

A SUNIL KUMAR
APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA