

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

Appeal No. 5967 of 2024

Sapan Shrivastava : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated March 11, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 20, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00058) dated March 21, 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. **Ground of appeal** - The appellant has filed the appeal on the ground that he has been provided incomplete, misleading and false information. The appellant, in his appeal, has raised dissatisfaction only with respect to the reply to request nos. 2- 4 of his application.
3. **Request nos. 2 - 4 of the application** - The appellant, vide his request nos. 2 - 4 of the application dated March 11, 2024, sought the following information:

*“2. Copy of Observation letter issued to Adani Ports with lenders NOC given to Adani Ports.
3. Copy of letter from company which confirm the compliance of all objections raised in observations.
4. Copy of letter or certificate issued by SEBI to company confirming all compliance of observation.”*
4. **Reply of the Respondent** – The respondent, in response to the aforesaid requests, informed that the prospectus filed by Adani Ports and Special Economic Zone Limited (formerly Mundra Port and Special Economic Zone Limited) incorporating the observations of SEBI and the subsequent disclosures made by the Company, is available on the website of SEBI. The respondent provided the link to access the said

prospectus on SEBI website. Further the respondent also provided the link to access the DRHP filed by the said company on SEBI website.

5. I have perused the request of the appellant and the response provided thereto. I note that the appellant in his application has specifically sought copy of SEBI observation letter with lenders NOC issued to Adani Ports and Special Economic Zone Limited, copy of letter from the said company confirming the compliance to the observations and letter/certificate issued by SEBI to the said company confirming all compliance of observation. In my view, the respondent was obliged to ascertain availability of the requested information with SEBI and whether the same may be provided to the appellant in accordance with the provisions of the RTI Act. On consideration, I find that the application has not been adequately addressed. Accordingly, it would be appropriate to remit the application for reconsideration.
6. Considering the above observations, I remit the application to the respondent for *de novo* consideration of request nos. 2 -4 of the application and sending appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.
7. The Appeal is accordingly disposed of.

Place: Mumbai

Date: April 16, 2024

B RAJENDRAN

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