

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

Appeal No. 5888 of 2024

Govind Dhanraj Bhopche	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated November 09, 2023 (received by SEBI on November 24, 2023) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated December 06, 2023, responded to the application filed by the appellant. The appellant filed an appeal dated December 25, 2023 (received by the Office of Appellate Authority on January 05, 2024).
2. In this appeal, the appellant has made a request for a personal hearing through video conferencing. I have carefully considered the application, the response and the appeal. I note that the nature of the request, the response of the CPIO and the grounds of appeal are self-explanatory and not complex. On the issue of providing an opportunity of hearing by the FAA under RTI Act, a full bench of Hon’ble Central Information Commission (hereinafter referred to as “**CIC**”) in *Bombay Stock Exchange Limited vs Securities and Exchange Board of India* (File No. CIC/SM/A/2011/001687) observed that “*It is not practical to lay down an inflexible rule that PIOs and AAs will always offer an opportunity of hearing to the parties, let alone to the 3rd party. They may do so as per their discretion, keeping in view the complexity of legal and factual issues involved, without forgetting that timelines are to be adhered to, being the essence of the Act.*” Therefore, it is noted that there is no specific requirement under the provisions of the RTI Act, of providing a personal hearing by the FAA and that the discretion to give hearing to the appellant shall be exercised considering the complexity of the issues involved and the timelines specified under the RTI Act. In this context, reliance is also placed on the decisions of the Hon’ble CIC in the matters of *Mr. Milind Hemant Kotak, Mumbai vs. Canara Bank* (Decision dated April 24, 2008) and *Mr R.K Jain vs. UPSC* (Decision dated March 10, 2014). Therefore, I am of the opinion that the appeal can be decided on the basis of material available on record.

3. **Request in the application-** The appellant, vide his application dated November 09, 2023, *inter alia*, sought rules and regulations pertaining to Mutual Funds in hindi language.
4. **Reply of the Respondent** - The respondent in response to the application informed that SEBI (Mutual Funds) Regulations, 1996 and amendments made thereto are available on SEBI hindi website. Further, the respondent provided the path to access the relevant regulations on said SEBI website.
5. **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 his appeal, *inter alia*, submitted that under the RTI Act, it is mandatory for the respondent to provided printed copies of the relevant regulations to him.
6. I have perused the application and response provided thereto by the respondent. I note that the respondent has adequately addressed the application of the appellant, however, the appellant, in his appeal, has submitted that he may be provided with the printed copies of the information provided to him. In this regard, I note that the link and path provided by the respondent to access the relevant information on SEBI hindi website are correct, active and available on public domain. Further, reliance is placed on Hon'ble Central Information Commission (hereinafter referred to as "**CIC**") order dated December 22, 2022, in the matter of *Kul Bhushan Jain vs. CPIO, SEBI*, wherein it was observed that "*The Commission noted that the reply given by the CPIO was appropriate as he first quoted the relevant notifications with their dates -8th June2018 and 30th November 2018. He also informed the appellant that these gazette notification are available on the SEBI website. A link was also given to access the same. The FAA quoted certain court rulings which state that once the information is available on a website, it is in public domain and no longer held or under the control of the public authority. The FAA had also stated that the link was provided to access the information and the link is active. The same was reiterated vide the written submissions dated 16.2.2022 which was also endorsed to the appellant. The Commission is in agreement with the submissions advanced by the Representative of the CPIO. From the submissions, it is abundantly clear that the information is available on the given website and hyper link..... Therefore, no further action is warranted in the present case.*" In view of these observations, I find that the respondent cannot be obliged to provide documents which is already available in the public domain.

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: January 24, 2024

B RAJENDRAN

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