

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

Appeal No. 5816 of 2023

Sapan Shrivastava	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated September 14, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (hereinafter referred to as “**RTI Act**”). The respondent, by a letter dated September 27, 2023 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00211) dated October 01, 2023. 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 14, 2023 sought following information w.r.t. Initial Public Offer (hereinafter referred to as “**IPO**”) of Global Surfaces Ltd:

“1. Copy Of All objections compliance done letter or certificate or consent issued by SEBI to Global Surfaces LTD IPO.

2. Copy of Lenders NOC issued by all Banks.”
3. **Reply of the Respondent** - The respondent, in response to the query 1, informed that the query is vague and not specific. Accordingly, the same cannot be construed as “information”, as defined u/s 2(f) of the RTI Act, 2005. In response to query 2, the respondent informed that the information sought is not available with SEBI.
4. **Ground of appeal**- The appellant has filed the appeal on the ground that information provided was incomplete, misleading or false information. The appellant, in his appeal, submitted that *“After getting the DRHP the company got observation to do compliance . The company file prospectus with ROC after doing SEBI Observation compliance. SEBI officer must be issuing any letter or NOC or Consent for clearing all objections in observation as per rule of law. Inspite to provide such copy of compliance certificate or NOC or letter the PIO gave*

misleading reply. ... If there is such NOC or any on record plz provide us or the PIO can say that no such information is available. Plz help to get information on para 1 .”

5. **Query No. 1** - The appellant vide query no. 1 had sought “*Copy Of All objections compliance done letter or certificate or consent issued by SEBI to Global Surfaces LTD IPO.*” On perusal of the application and the response of the respondent, I concur with the response of the respondent that the said request of the appellant is vague and not specific. In this regard I note that the Hon’ble Central Information Commission (hereinafter referred to as “**CIC**”) in the matter of *Ms. Sarika Jain vs National Hydroelectric Power Corporation Limited* (order dated April 25, 2014) held that “*As regards the first part i.e. copies of all documents in relation to the contracts mentioned in the RTI application, the Commission finds that the term "all" used by the Appellant here is very vague and does not pin point the particular document she wants to obtain from the Respondents. The Appellant is, therefore, advised to be more specific and identify the documents she wants to obtain from the Respondents ...*”
6. **Query No. 2** - With respect to query no. 2, I note that the respondent has categorically stated that the requested information is not available with SEBI. I note that the respondent can only provide information that is available in the records. In this context, I note that the Hon’ble Supreme Court of India in *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors*, 2011 (8) SCC 497 (Judgment dated August 9, 2011) held that “*The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant.*”
7. Further, I find that the appellant, in his appeal has, *inter alia*, sought “*NOC or letter...for clearing all objections in observation as per rule of law*” that SEBI may have issued to the company. I note that these documents are being sought for the first time. Hence, the appellant is now seeking new information pertaining to his query. As held by the Hon’ble Central Information Commission in *Harish Prasad Divedi vs. Bharat Petroleum Corporation Limited* (decided on January 28, 2014), an information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. Accordingly, I find that the said submissions do not warrant consideration at this stage.

8. 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, 2023

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