

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

Appeal No. 5675 of 2023

Shivam Shreshtha	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated April 27, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated May 17, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00095) dated May 18, 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 April 27, 2023, sought all the previous year question papers of Legal Stream of both Paper -1 and Paper -2 of both Phase - 1 and Phase -2 of the examinations held for Recruitment of Officer Grade A (Assistant Manager).
3. The respondent, in response to the aforesaid query, informed that the online examination for recruitment of Officer Grade A was conducted by Institute of Banking Personnel Selection (IBPS), which is an autonomous body, on behalf of SEBI. The respondent also informed that the requested information was not available with SEBI as the same was not shared by IBPS.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused. The appellant, in his appeal, inter alia, submitted that SEBI is liable to provide the question papers. The appellant also submitted that there is no contract containing confidentiality clause between the parties i.e. SEBI and IBPS.
5. I note that the respondent has informed the appellant about non-availability of the requested information with SEBI as the same is not shared with SEBI. In this regard, I note that similar information was sought in the matter of *Abhijit Bhimgonda Bhikkappa Patil vs. CPIO, SEBI* (order dated

December 27, 2022), wherein the Hon'ble CIC held that *"The Commission accepts the reply of the CPIO as based on the available records. However, the CPIO is directed to provide the hyperlinks as mentioned during the hearing to assist the appellant to locate his marks. As far as the rest of the information is concerned, it is appreciated that the respondent is not the custodian of the information and is unable to access the same, therefore no further information could be given. The appeal is disposed of accordingly."* In view of these observations, I do not find any deficiency in the response.

6. 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: June 14, 2023

ANAND BAIWAR

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