

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

Appeal No. 6368 of 2025

Rashmi Soni : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated March 19, 2025 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated April 16, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00078) dated April 23, 2025. 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, in her application dated March 19, 2025, sought the following information regarding two companies; Austral Coke and Projects Limited and Gujarat NRE Coke Limited:

“1 IPO DATE ISSUE

2 IPO SIZE

3 PER SHARE PRICE AT THE TIME OF ISSUE IPO

4 IPO MERCHANT BANKERS DETAILS

5 PROVIDE ALL DOCUMENTS IPO

6 SHARE DLISTING DATE

7 REASON OF DLISTING SHARE

8 THESE COMPANY SHARE SELL PROCEDURE

9 IF NOT SELL THESE COMPANY SHARE WHO IS COMPENSATE SHARE HOLDERS LOSSES

10 PROVIDE FULL PROCEDURE SHARE HOLDERS CLAIM FOR COMPENSATE

11 WHO PERSON PASS IPO THESE TWO COMPANY

12 IF SHARE HOLDERS CLAIM NOT COMPENSATE WHO IS RESPONSABLE FOR SHARE HOLDERS LOSSES”

3. **Reply of the Respondent** –The respondent, in response to the information sought by the appellant with respect to **Austral Coke and Projects Limited**, has provided the following response:

For query no. 1, respondent informed that the issue opened from August 7, 2008 to August 13, 2008. The respondent also informed that the listing date of company is 04-Sept-2008.

For query nos. 2 and 3, the respondent gave the response as Rs. 14,229.80 Lacs and Rs.196 per equity share of face value of Rs. 10 each, respectively.

For query no. 4, the respondent gave the following response: “*Allbank Finance Limited (Book Running Lead Manager); PL Capital Markets Private Limited, Saffron Capital Advisors Private Limited, and Elara Capital (India) Private Limited (Co- Book Running Lead Manager)*”. The respondent also informed that for additional details, that the appellant can refer to weblinks provided in reply to query A(5).

For query no.5, the respondent informed that the query is not specific. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act. However, the respondent informed that the draft Offer document/Offer document of the company can be accessed on SEBI website and provided the links for accessing the same.

The respondent, in response to the information sought by the appellant with respect to **Gujarat NRE Coke Limited** has provided the following response:

For query no. 1, respondent informed that the issue dates are not available with SEBI. The respondent also informed that the listing date of company is 01-08-1994 as available on website of BSE Limited and provided the link for accessing the website

With regard to query nos. 2, 3, 4 and 5, the respondent informed that the information sought is not available with SEBI.

The respondent, in response to query nos. 6 and 7, for **both the companies**, informed that the information is available in public domain. The respondent also informed that appellant can refer to websites of Stock Exchanges for required details and provided the links for accessing the same.

The respondent, in response to query nos. 8, 9, 10, 11 and 12, for **both the companies** informed that the queries are vague and are in the nature of seeking clarification. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act.

4. **Ground of appeal** – The appellant has filed the appeal on the ground that she was provided incomplete, misleading or false information. The appellant, in her appeal, has merely reiterated the contents of her application.
5. I have perused the application and the response provided thereto. On consideration, I find that the with regard to query nos. 1, 2, 3 and 4, pertaining to Austral Coke and Projects Limited, the respondent has adequately addressed the queries by providing the information available with him.
6. Further, with regard to query nos. 1, 2, 3, 4 and 5, pertaining to Gujarat NRE Coke Limited, 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 Central Information Commission (hereinafter referred to as "**CIC**") in the matter of *Sh. Pattipati Rama Murthy vs. CPIO, SEBI* (Decision dated July 8, 2013), held: "... if it (SEBI) does not have any such information in its possession, the CPIO cannot obviously invent one for the benefit of the Appellant. There is simply no information to be given." Accordingly, I do not find any deficiency in the response of the respondent. Additionally, I find that query no.5, for both the companies, is vague and not specific. It is an established law that the information sought for in order to be disclosable under the RTI Act, must be clear, specific and available in the records of the public authority. In this context, I note that the Hon'ble 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 ...*"

7. Further, with regard to query nos. 6 and 7, for both the companies, the respondent has clearly informed that the information sought is available in public domain. In this context, I note that the Hon'ble Delhi High Court in *Registrar of Companies & Ors. Vs. Dharmendra Kumar Garg & anr.* and the Hon'ble CIC in *Shri K Lall vs. Shri M K Bagri* (CIC/AT/A/2007/00112, order dated April 12, 2007) held that if the relevant information is available in the public domain, the same cannot be said to be information held by the public authority and consequently there is no obligation to provide such information to an applicant under the RTI Act. Accordingly, I do not find any deficiency in the said response of the respondent.
8. With regard to query nos. 8, 9, 10, 11 and 12, for **both the companies**, I find that the said queries are in the nature of seeking clarification from the respondent. I find that the said queries cannot be construed as seeking 'information' as defined under section 2(f) of the RTI Act. In this context, reliance is placed on the matter of *M Jameel Basha Vs. CPIO, Ministry of Personnel Public Grievances & Pension, Department of Personnel & Training, North Block* (Decision dated 06.05.2019), wherein Hon'ble CIC observed that "*Commission concedes with the submission of the CPIO as no information has been sought as per Section 2(f) of the RTI Act. It may be noted that under RTI Act, CPIO is not supposed to create information or interpret/clarify/deduct information in respect of queries/clarifications. Similarly, redressal of grievance, non-compliance of rules, contesting the actions of respondent public authority and suggesting correction in government policies are outside the purview of the RTI Act.*" Further, I concur with the response of the respondent that the queries are vague. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act. In this context, I note that in the matter of *Shri S. C. Sharma vs. CPIO, Securities and Exchange Board of India* (Decision dated August 30, 2012), the Hon'ble CIC had held that: "*Since the Appellant had not clearly stated what exact information he wanted, the CPIO could not have provided any specific information to him. We would like to advise the Appellant that he might like to specify the exact information he wants from the SEBI and prefer a fresh application before the CPIO*". In view of these observations, I find that the respondent is not obliged to provide a response where the information sought is vague and not specific. Accordingly, I do not find any deficiency in the response of the respondent.

9. 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: May 21, 2025

RUCHI CHOJER

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