

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

Appeal No. 5768 of 2023

Manish Sehgal	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated July 14, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated July 25, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00173) dated August 02, 2023.
2. The appellant, in the appeal, has made a request for personal hearing. On the issue of providing an opportunity of hearing by the First Appellate Authority (FAA) under RTI Act, a full bench of Hon’ble 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 R.K Jain vs. UPSC* (Decision dated March 10, 2014). In view of the above observations, I have carefully considered the application, the response and the appeal. I note that the grounds of appeal are self-explanatory. Hence, the matter can be decided based on the material that is available on record.
3. **Requests made in the application** –The appellant, vide his application dated July 14, 2023, sought the following information:

“Kindly get me following information from M/s Vinati Organics Limited and their registrar & share transfer agents (RTA) M/s Linkintime, Vikhroli, Mumbai : The name of husband of Ms Sangeeta

(Folio No. VIS.....33) mentioned in the original public issue form and which name is now in records of the RTA M/s Linkintime?. Since the company and the RTA both are not giving me information despite repeated requests so I am using RTI Act 2005 route as these entities are regulated by SEBI."

4. The respondent, in response to the aforesaid request, informed that the information sought is not maintain by SEBI in the normal course of regulation of securities market. Hence, the same is not available with SEBI. Further, the respondent provided information regarding lodging of grievance, if any, on the SCORES portal of SEBI and tracking the status of the same. The respondent also provided the toll free helpline numbers launched by SEBI to facilitate replies to various queries of the general public on matters related to securities market. The appellant was also advised to refer to the FAQs on "Investor Grievances- SCORES", available on the SEBI website. The respondent also provided the link for accessing the said FAQs.
5. **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, requested to instruct Linkintime to provide him the requested information.
6. I have perused the request and the response provided thereto. I find that the respondent has categorically informed that the requested information is not maintained by SEBI in the normal course of regulation of securities market. I note that the requested information is not available on record. In this context, I note that the Hon'ble CIC, in the matter of *Lakshminarayanan R vs. SEBI* (order dated February 09, 2023) observed that "*Keeping in view the facts of the case, the Commission observed that the information sought by the appellant regarding Central Depository Services Ltd. was not maintained by the respondent authority in the normal course of regulation of securities market. It is an established law that the information sought for in order to be disclosable under the RTI Act, 2005 must be existent and available in the records..... In the instant case, the desired information was not available in the records of the respondent authority..*" In view of these observations, I do not find any deficiency in the response.
7. Further, I note that the appellant, in his application, requested the respondent to get the information from M/s Vinati Organics Limited and their RTA. I am of the view that the respondent is expected to provide only that information which exists with the public authority when it receives an application under the RTI Act. The respondent has categorically stated in his response that the information sought was not available with SEBI. Accordingly, the respondent is not required to obtain such information not available with SEBI, for the sole purpose of providing the same to an applicant under the RTI Act. I also note that the appellant, in his appeal, requested to instruct Linkintime to provide him the requested

information. In this regard, the Hon'ble CIC, in the matter of *Mohan Kumar Sharma vs. CPIO, Prime Minister's Office* (order dated November 26, 2019), held that “7. *In view of the above, the Commission observes that under the RTI Act the CPIO provides information available with him or held by him. Thus, the appellant cannot expect the respondent to take certain action or initiate action as desired by him.*” In view of these observations, I find that the request made by the appellant in the appeal, does not warrant consideration under the RTI Act.

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: September 01, 2023

B RAJENDRAN

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