

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

**Appeal No. 5892 of 2024**

|                    |    |            |
|--------------------|----|------------|
| Rahul Basu         | :  | Appellant  |
|                    | Vs |            |
| CPIO, SEBI, Mumbai | :  | Respondent |

**ORDER**

1. The appellant had filed an application dated December 15, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated December 21, 2023 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00005) dated January 15, 2024. 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. **Requests made in the application** –The appellant, vide his application dated December 15, 2023 sought the following information:  
  
*“A) Documents requested to be provided in order SEBIH/A/E/22/00367 to CPIO SEBI on June 30, 2022, as the same were not made available / received by me.*  
*B) If the same are not available to you, kindly transfer this request to the appropriate authority”*
3. The respondent, in response to the application, vide letter dated December 21, 2023, *inter alia*, informed the appellant that the CPIO’s reply in compliance of First Appellate Authority (FAA) order dated June 29, 2022 was already provided to the appellant vide letter no. CPIO/NS/5082/2022-23/28626/1 dated July 14, 2022. The respondent informed that the same information was again enclosed with respondent’s letter dated December 21, 2023. The appellant vide email dated December 22, 2023 informed the respondent that the reply of the respondent had no attachments. The respondent vide email dated December 22, 2023 forwarded his reply dated December 21, 2023 along with the relevant annexures to the appellant.

4. **Ground of appeal-** The appellant has filed the appeal on the ground that he was refused access to information requested.
5. I have perused the application and the response provided thereto. I note that vide order dated June 29, 2022 (Appeal Registration No. SEBIH/A/E/22/00367) passed by this forum, the respondent was, *inter alia*, directed to reconsider the earlier RTI application (Registration No. SEBIH/R/T/22/00114) dated May 19, 2022 of the appellant. I note that in compliance to the aforesaid order, the respondent issued a letter dated July 14, 2022. Thereafter, the appellant filed the instant RTI application dated December 15, 2023, *inter alia*, seeking documents issued by the respondent in compliance with FAA order dated June 29, 2022. I note that the respondent vide letter dated December 21, 2023, informed the appellant that the reply of the CPIO in compliance with FAA order dated June 29, 2022 was already provided to him vide letter dated July 14, 2022. I note that the respondent also sent the copy of the said reply dated July 14, 2022 to the appellant vide email dated December 22, 2023. However, I also note that the respondent in his reply dated December 21, 2023 has incorrectly mentioned the date of letter of CPIO in compliance to the FAA order dated June 29, 2022 as “June 14, 2022” instead of “July 14, 2022”. The said error appears to be inadvertent in nature as respondent has provided the copy of the said reply to the appellant vide his email dated December 22, 2023. The appellant in his appeal has submitted that he has not received the letter dated July 14, 2022 of the respondent in compliance to FAA order dated June 29, 2022. In this regard, I note that the respondent has provided the copy of said letter dated July 14, 2022 of the respondent to the appellant vide email dated December 22, 2023. Accordingly, I find that the respondent has adequately addressed the application of the appellant.
6. Further, I note that the appellant in his application has sought documents requested by him in his earlier RTI application which was sent for reconsideration vide the aforementioned FAA order. It appears that as the respondent vide his letter dated July 14, 2022 (issued in compliance to the FAA order), informed that the requested information is not available with SEBI, the appellant in his application has requested that if the requested information is not available with SEBI then his application may be transferred to the appropriate authority. In this regard, I find it pertinent to clarify that SEBI is the appropriate authority in regard to the earlier RTI application. Hence, the question of transferring the said application does not arise. Further, the respondent in his reply dated July 14, 2022 has categorically mentioned that the requested information is not maintained by SEBI and hence, it is not available with SEBI. In this context, reliance is placed on the matter of *Lakshminarayanan R vs. SEBI* (order dated February 09, 2023), wherein the Hon’ble Central Information Commission (hereinafter referred to as “**CIC**”) 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...*”

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 30, 2024**

**B RAJENDRAN**

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