

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

Appeal No. 5749 of 2023

Sachin Ashok Kale	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated June 24, 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 12, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00155) dated July 13, 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 June 24, 2023, sought the following information:

“Kindly provide the copy of various letters issued by Central Registrar (Cooperative Society) to SEBI for directing & start initiation of Rs. 5000 Cr. transfer to Them from SEBI Sahara account, as per order of Supreme Court dated 28.03.2023.”
3. The respondent, in response to the application, informed regarding the specific directions passed by the Hon’ble Supreme Court on March 29, 2023, *inter alia*, regarding transfer of Rs. 5000 crores to the Central Registrar of Cooperative Societies and the supervision and monitoring of the disbursement by Justice R. Subhash Reddy, Former Judge of Hon’ble Supreme Court, with the assistance of Shri Gaurav Agarwal, Advocate. The respondent also informed that an amount of Rs. 5000 crores was transferred from the “Sahara-SEBI Refund Account” to the Central Registrar of Cooperative Societies on May 19, 2023, in compliance with the said order dated March 29, 2023. Further, the respondent advised the appellant to seek information from Central Registrar of Cooperative Societies (CRCS), Ministry of Co-operation.

4. **Ground of appeal-** The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false. The appellant, in his appeal, submitted that the respondent had provided irrelevant details. The appellant also requested to provide copy of various letters.
5. I have perused the application and the response provided thereto. In my opinion, the request regarding *“various letters issued by Central Registrar (Cooperative Society) to SEBI regarding directing & start initiation of Rs. 5000 Cr. Transfer”* appears to be presumptive in nature. 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 in the matter of *Mr. T. V. Sundaresan vs. CPIO, Securities and Exchange Board of India* (Decision dated November 24, 2021), the Hon’ble CIC held: *“The framework of the RTI Act, 2005 expects that the information sought is specific and believed to be existing with the public authority in documented or material form as such; which can be shared with the appellant as per the provisions of the RTI Act. Answering to broad, multiple and general queries and presumptive documents that should have been generated as per the expectation of the appellant cannot be furnished under the provisions of the Act.”* In view of these observations, I find that the respondent is not obliged to provide response to such queries.
6. Notwithstanding the above, I note that the respondent has categorically informed regarding the transfer of the amount in compliance with the Supreme Court order dated March 29, 2023. In my opinion, the respondent has adequately addressed the application by providing the information available with him on record.
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: August 11, 2023

ANAND BAIWAR

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