

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

Appeal No. 5870 of 2024

Sapan Srivastava	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated September 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 September 21, 2023 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00253) dated December 11, 2023.
2. I note that under Section 19(1) of the RTI Act, an aggrieved person may prefer the first appeal within thirty days from the receipt of the response from the CPIO of the concerned public authority. In the instant case, the impugned response from the respondent is dated September 21, 2023. The appellant, therefore, should have filed the first appeal on or before expiry of thirty days from the date of receipt of the said response. As noted above, the appellant’s first appeal was received on December 11, 2023. The first appeal has been made after the last date permissible under the RTI Act. The appellant neither made a request for condoning the said delay in filing the appeal nor made any submission explaining the reasons which caused the delay. Considering the absence of a request for condoning the delay and any valid reason that prevented the appellant from filing the appeal in time, I consider this appeal as time barred and hence, liable to be dismissed on that count.
3. Notwithstanding the above observation, I am considering the appeal on merit. I have perused the application and the appeal and find that the matter can be decided based on the material available on record.
4. **Requests made in the application** –The appellant, vide his application dated September 14, 2023, sought the following information:

"The Escorts Kubota Ltd listed at BSE and NSE . On 6/7/61 it was listed as per BSE record. Information required from SEBI. RTI question

1. Copy of Escorts Kubota Ltd RHP , Observation issued copy as per record under The Capital Issues (Control) Act, 1947 and SEBI act 1992.

2. Copy of Govt Of India/ SEBI NOC or consent or equivalent to Escorts Kubota Ltd. . Kindly give reply in table form as per standard procedure ie question and answer."

5. **Reply of the Respondent** - The respondent in response to the application, informed that the information sought is not available with Securities and Exchange Board of India (hereinafter referred to as "SEBI").
6. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent and has, *inter alia*, submitted that it is not clear as to the reply of the respondent pertains to which request of his application. He has accordingly requested that his requests in the application may be responded in a table format with question and answer.
7. I have perused the application and the response provided thereto. On consideration, I do not find any reason to disbelieve the response of the respondent that the requested information is not available with SEBI. In this context, I note that the Hon'ble Central Information Commission, in the matter of *Mrigesh Manubhai Thakkar vs. SEBI* (order dated December 28, 2016) observed that "*The Commission observes that the respondents can provide only that information which is existing and available with them and the RTI Act does not mandate it for the respondent authority to create information if it is not collected and collated in the normal course of their duties. The Commission, therefore, does not find any need to intervene in the matter. The appeal is disposed of.*" Further, the appellant in his appeal has, *inter alia*, submitted that it is not clear as to the reply of the respondent pertains to which request of his application. Hence, the appellant has requested that the requests in his application may be responded in a table format with question and answer. In this regard, I note that the appellant, in his application, has raised 2 requests and the respondent has responded to both the request in the application. Accordingly, I do not find any deficiency in the response.

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: January 3, 2024

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