

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

Appeal No. 5654 of 2023

Soumen Das	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated April 03, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated April 26, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00080) dated April 26, 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 April 03, 2023, sought the following information:
 1. *Which government sector public can invest? List of companies?*
 2. *New startup company name 2020 to 2023 list?*
 3. *New startup investment company name?*
3. The respondent, in response to the aforesaid queries, informed that the information sought is not available with SEBI.
4. **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, reiterated the queries raised in his application.
5. **Query number 1-** I have perused the query and the response provided thereto. With respect to query number 1, I note that the same is in the nature of seeking clarification/opinion from the respondent. I note that the respondent is not supposed to create information; or provide clarification; or to compile information as per the desire of the appellant under the ambit of the RTI Act. In view of these

observations, I find that query number 1 cannot be construed as seeking 'information' as defined under section 2 (f) of the RTI Act.

6. **Query numbers 2 and 3-** I have perused the queries and the response provided thereto. I note that the respondent has clearly informed that the requested information is not available with SEBI. It is an established law that the information sought for in order to be disclosable under the RTI Act, must be existent and available in the records. In this regard, I note that the Hon'ble Supreme Court of India, in *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors* (Judgment dated August 9, 2011) held that "*The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act.But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant.*" In view of these observations, I do not find any deficiency in the response provided by the respondent.
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: May 08, 2023

ANAND BAIWAR

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