

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

Appeal No.5889 of 2024

Radha Kanta Maity : Appellant
Vs
CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated December 28, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated January 04, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00002) dated January 05, 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 28, 2023, sought the following information:

“Kindly provide me list of equity stocks traded both BSE AND NSE dated 13.12.2023, IN excel sheet with their price. Kindly send the soft copy on my mail id that has been provided in my rti application. Dont waste time by sending it physically.”
3. **Reply of the Respondent** - The respondent in response to the application informed that the information sought is not maintained by SEBI. Hence, the same is not available with SEBI. The respondent advised the appellant to refer to NSE and BSE websites for information sought. The respondent also provided the links to access NSE and BSE website.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that information provided was incomplete, misleading or false information.
5. I have perused the application and the response provided thereto. I note that the respondent has categorically stated that the requested information is not available with SEBI. I note that the respondent

can only provide information that is available in the records. 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 (hereinafter referred to as "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..."* The appellant in his appeal has submitted that if the information is not maintained by SEBI then his application may be transferred to BSE and NSE. In this regard, I note that the stock exchanges are not a Public Authority within the meaning under section 2(h) of the RTI Act. Hence, the same would not fall within the purview of the said Act. Further, in the matter of *Shri P. Balachandar vs. CPIO, Securities and Exchange Board of India* (Decision dated March 29, 2012), Hon'ble CIC held that *"The power vested in SEBI to call for any information from a recognised stock exchange is based on its satisfaction that it is in the interest of trade or public interest to do so. This does not give an unfettered power to the SEBI to call for information from any stock exchange on the request of a citizen under the Right to Information Act"*.

6. 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 24, 2024

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