

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

Appeal No. 5035 of 2022

Brijlal D Tiwari	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated March 28, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated April 18, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated May 10, 2022. 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 March 28, 2022, sought the following information:

“pl information given m/s. gulf biosciences ltd company balance sheet share holding pattern - public and self. we should also look for a personal share holding pattern. sales in last 3 years asset information with sebi and company's account. asset liquidation in last 5 years. funds which are transferred from asset monetization. current share prices current group share prices in last 3 years bonus & split of shares in last 3 yrs investors details with their % block deals in last 1 year all the information related to the above subject should be given in written form along with all documents.”
3. The respondent, in response to the aforesaid query, informed that the information sought is not maintained by SEBI in the normal course of regulation of securities market. Hence the same is not available with SEBI. However, the respondent informed that as per the Securities and Exchange Board of India (Listing Obligations and Disclosure Requirements) Regulations, 2015, listed companies are required to file reports, statements, documents and any other information with the recognized stock exchange(s), where it has listed its specified securities.

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. I have perused the query and the response provided thereto. On consideration, I do not find any reason to disbelieve the observation of the respondent that the requested information is not available with SEBI as the same is not maintained by SEBI. In this context, I note that the Hon'ble CIC, 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, I note that the Hon'ble CIC in the matter of *Sh. Pattipati Rama Murthy vs. CPIO, SEBI* (Decision dated July 8, 2013), held: "... if it (SEBI) does not have any such information in its possession, the CPIO cannot obviously invent one for the benefit of the Appellant. There is simply no information to be given." In view of these observations, I do not find any deficiency in the response.
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: June 01, 2022

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