

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

Appeal No. 5924 of 2024

Ponnamma Mani	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated September 16, 2023 received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated October 05, 2023, responded to the aforesaid application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00216) dated October 10, 2023, with respect to which an order dated November 03, 2023 (in Appeal No. 5824 of 2023) was passed by this forum, directing the respondent to reconsider the application of the appellant. Thereafter, the respondent issued a letter dated November 13, 2023. The appellant has now filed an appeal dated February 17, 2024 for non-compliance of the said order dated November 03, 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. I note that the appellant in her application dated September 16, 2023, *inter alia*, sought the following information:

“...I request SEBI to kindly let me know whether the face value of Alps Infosys share at the time of its suspension by NSE and BSE in the year 2008 was Re.1/- or Rs.10/- This is for the purpose of settling a dispute with my DP regarding AMC...”
3. The respondent, in response to the application informed that the information sought is in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as “Information” as defined u/s 2(f) of the RTI Act, 2005. I note that this forum, in order dated November 03, 2023, *inter alia*, observed that the appellant had sought very specific information in her application and hence, the response of the respondent does not justify the denial of the requested information on the ground that the same is in the nature of seeking clarification/opinion. Accordingly, the application dated

September 16, 2023 was remitted to the respondent for reconsideration and for sending appropriate response in terms of the RTI Act.

4. I note that pursuant to order dated November 03, 2023 of this forum, the respondent, vide letter dated November 13, 2023, informed the appellant that the information sought is not maintained by Securities and Exchange Board of India (hereinafter referred to as “SEBI”) in normal course of regulation of securities market and hence, the same is not available with SEBI. 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. In this context, 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. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 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.*” Accordingly, I do not find any deficiency in the response of the respondent. Notwithstanding the above, I note the respondent has also informed the appellant that as per information available on BSE website, the relevant company has been compulsorily delisted from Stock Exchanges since August 16, 2016. The respondent has provided the relevant link regarding the said information.
5. In view of the above observations, I am of the opinion that the respondent had sent an appropriate response to the appellant in compliance with the order dated November 03, 2023. Accordingly, no further intervention of this forum is warranted.
6. The Appeal is accordingly dismissed.

Place: Mumbai

Date: March 06, 2024

B RAJENDRAN

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