

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

Appeal No. 5959 of 2024

Veena Kumari Aggarwal : Appellant
&
Suresh Kumar Aggarwal

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application (SEBIH/R/P/24/00037) dated February 13, 2024 (received by SEBI on February 20, 2024) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated February 22, 2024, responded to the application filed by the appellant. The appellant filed an appeal dated March 17, 2024 (received by the Office of Appellate Authority on March 21, 2024). I have perused the application, the response of the respondent and the appeal and find that the matter can be decided based on the material available on record.
2. **Requests in the application-** The appellant, in their application dated February 13, 2024, *inter alia*, sought the following information:

*“(i) Whether Modi Champion Limited is working or not.
(ii) Whether the Modi Champion Finance Limited has been taken over by another company.
(iii) If Yes, Current position of shareholders of Modi Champion Finance Limited.
(iv) Whether the Name of Modi Champion Finance Limited has been changed.
(v) If Yes. New name and New address.”*
3. **Reply of the Respondent** - The respondent, in response to the aforesaid requests, informed that the information sought pertains to Modi Champion Finance Ltd., an unlisted company, which does not come under the purview of Securities and Exchange Board of India (hereinafter referred to as “**SEBI**”). Hence, the information sought is not available with SEBI.
4. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent.

5. 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.
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: April 8, 2024

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