

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

Appeal No. 4842 of 2022

Geeta Khattar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated January 05, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated January 18, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated March 25, 2022, against the said response dated January 18, 2022.
2. I note that under Section 19(1) of the RTI Act, an aggrieved person may prefer the first appeal within thirty days from the receipt of the response from the CPIO of the concerned public authority. In the instant case, the impugned response from the respondent is dated January 18, 2022. The appellant, therefore, should have filed the first appeal on or before expiry of thirty days from the date of receipt of the said response. As noted above, the appellant has filed this first appeal on March 25, 2022. The first appeal has been made after the last date permissible under the RTI Act. The appellant, in her appeal, *inter alia*, stated that she had not received a notification when the application was disposed and therefore, she could not file the appeal on time. I do not find the reason plausible since the response was uploaded on the RTI MIS Portal within the time prescribed under the RTI Act. Further, a system generated notification is sent to the registered number/email id of the concerned applicant. In view of the same, I consider this appeal as time barred and hence, liable to be dismissed on that count.
3. Notwithstanding the above observation, I have considered the appeal on merit. I have perused the application, the responses and the Appeal and find that the matter can be decided based on the material available on record.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused.
5. **Queries in the application** –The appellant, vide query numbers 1 to 15 of her application dated January 05, 2022, *inter alia*, sought the copy of letters sent to MCA, Prime Minister’s Office, CVC, CBI etc.

various government organizations, notifying the hidden White Collar Financial Crime as referred in the attachment provided along with the application.

6. The respondent, in response to the aforesaid queries, requested information is not available with SEBI. Hence, the same cannot be provided.
7. On consideration, I do not find any reason to disbelieve the observation that the information sought by the appellant, is not available with SEBI. 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."* 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 find that the information sought by the appellant was not available with SEBI and therefore, the respondent cannot be obliged to provide such non-available information.
8. 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 22, 2022

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