

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

Appeal No. 5801 of 2023

Babu Henry	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated July 15, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (hereinafter referred to as “**RTI Act**”). The respondent, by a letter dated August 14, 2023, responded to the application filed by the appellant. The appellant filed an appeal dated August 14, 2023 with respect to which an order dated September 11, 2023 (in Appeal No. 5777 of 2023) was passed by this forum, inter alia, remitting the application of the appellant to the respondent for *de novo* consideration. Thereafter, the respondent issued a letter dated September 20, 2023. The appellant has now filed an appeal dated September 26, 2023 (received by Office of Appellate Authority on September 26, 2023) for non-compliance of the said order dated September 11, 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. **Query in the application-** The appellant, vide his application July 15, 2023, sought the status and copy of the investigation report (or similar) with respect to the following:

“1) 199316/2022/vigilance-5 (raised on 19-May2022 and transferred to CVO-SEBI on 23-June-202

2) 199389/2022/vigilance-5 (raised on 20-May-2022 and transferred to CVO-SEBI on 23-June-2022)

3) 199432/2022/vigilance-5 (raised on 23-May-2022 and transferred to CVO-SEBI on 23-June-2022)”
3. **Reply of the respondent-** Subsequent to Appellate Authority order dated September 11, 2023, the respondent, vide letter dated September 20, 2023 responded to the aforesaid queries of the appellant. The respondent had, inter alia, provided the status of the 3 CVO complaints as sought in the

application. Further, the respondent informed that there is no separate investigation report in the matter and, hence, could not be provided.

4. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent. The appellant, in his appeal, has, inter alia, submitted that while the respondent has provided the status of the 3 CVO complaints, it has not provided the investigation report to the appellant and hence, has not complied with the Appellate Authority order dated September 11, 2023.
5. I have perused the requests made by the appellant and the response provided by the respondent. I note that the respondent has categorically stated that there is no separate investigation report in the matter and, hence, it could not be provided. I note that the respondent can only provide information that is available in the records. In this regard, I note that the Hon'ble Central Information Commission 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."*
6. On consideration, I find that the application has been adequately addressed and I do not find any deficiency in the response.
7. 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: October 10, 2023

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