

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

Appeal No. 6644 of 2025

Surendra Champalalji Jain : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated October 04, 2025 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated October 31, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00317) dated November 29, 2025. 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, in his application dated October 04, 2025, sought the following information with respect to his complaint filed with SEBI:

“ 1. Please provide the current status of my Complaint submitted on July 10, 2025 to

(1) Shri Sabil Malik, CGM, CFID1 (As per Annexure-I)

(2) Ms. Vandana Joglekar, DGM, CFD_RAC_DIL2 (As per Annexure-II)

under Vigil mechanism and my illegal/ null and void / invalid appointment as Company Secretary in Vistar Amar Limited (L05000MH1983PLC272707) and in context of Criminal conspiracy/ breach of trust with me, fraudulent tendency through misstatement to regulators and investors by the Board of Directors, Merchant Banker, secretarial auditors, and all other parties involved to prepare the Letter of Offer of Right Issue of Vistar Amar Limited

2. Please provide Copy of Action taken report with certified copies of all the documents related to ATR in respect of aforesaid Complaint.

3. Please provide Copy of Action taken report with certified copies of all the documents related to ATR in respect of my emails (As per Annexure-III).

4. Please provide certified copies of all the documents related to the orders of compensation and relief granted to whistle blower under vigil mechanism and whistle blower protection act till date from your office.”

3. **Reply of the Respondent** –The respondent, in response to query nos. 1 to 3 in the application, informed that the complaint dated July 8, 2025 was received on July 10, 2025. Further, similar complaint was sent earlier through email dated 31/01/2025 and July 8, 2025. The respondent also informed that the complaints dated 31/01/2025 (including all follow-up emails) and July 8, 2025 was examined based on response received from BSE. Upon receipt of exchange response, the matter was closed as it did not warrant any further action from SEBI. Further with regard to allegations made by the complainant of breach of trust, it was observed that appellant had already complained to police authorities. The respondent further informed that as it was not a SCORES complaint and was disposed through internal noting's, the ATR is not generated.

The respondent, in response to query no. 4, informed that the information sought does not pertain to SEBI.

4. I have perused the application and the response provided thereto. With regard to query nos. 1 to 3, I find that the respondent has adequately addressed the queries by providing the information available with him. Accordingly, I do not find any deficiency in the response of the respondent.
5. With regard to query no. 4, I note that the respondent has clearly informed that the information sought does not pertain to SEBI and hence, 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.*” Further, 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.” 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: December 23, 2025

RUCHI CHOJER

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