

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

Appeal No. 5971 of 2024

D Chandrasekar : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated March 14, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated March 26, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00067) dated March 26, 2024. 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. **Requests in the application** –The appellant, vide his application dated March 14, 2024, sought the following information:

"I NEED INFORMATION ABOUT HOW MANY UNLICENSED ONLINE LOAN APPS BLOCKED AND REMOVED LAST THREE MONTHS

I NEED INFORMATION ABOUT HOW MANY UNLICENSED ONLINE SHARE MARKET APPS BLOCKED AND REMOVED LAST THREE MONTHS

I NEED INFORMATION ABOUT HOW MANY UNLICENSED ONLINE INVESTMENT APPS BLOCKED AND REMOVED LAST THREE MONTHS"

3. **Reply of the Respondent** – The respondent, in response to the aforesaid requests, informed that with respect to data related to online unlicensed loan apps, the information sought does not fall under the purview of Securities and Exchange Board of India (hereinafter referred to as "**SEBI**"). Hence, the same is not available with SEBI.

With respect to request pertaining to online unlicensed share market apps and investment apps blocked and removed in past three months, the respondent informed that the information sought is not

maintained by SEBI in normal course of regulation of securities market. Hence, the same is not available with SEBI.

4. **Ground of appeal** - The respondent has filed the appeal on the ground that he has been refused access to information requested.
5. I have perused the request, the response provided thereto. On consideration, 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, any regulatory actions taken by SEBI are published on SEBI website. The appellant may accordingly be guided by the same.
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 23, 2024

B RAJENDRAN

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