

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

Appeal No. 6204 of 2024

	:	Appellant
Narinder Singh Ahuja		
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated September 20, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated October 16, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00255) dated October 16, 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. **Request in the application** - The appellant, vide his application dated September 20, 2024 sought the following information:

“Question 1. An email dated 19.09.24(copy enclosed) was written to Shri Chiranjiv Singh , Managing Director, Health Caps India Limited having office in Punjab (Village Fatehpur) , PO Majra Jattan, Tehsil Balachaur, District SBS Nagar (Nawanshahr, Punjab 144522. Said email was copied to Head of Department, SEBI, Regional Office-East Kidwai Nagar New Delhi, Finance Minister Office, Secretary, Department of Economic Affairs and Chief Economic Advisor, Govt of India with a request to expedite reply from SEBI on 38 questions asked about Health Caps India Limited (a public limited company) in email dated 18.09.24(copy enclosed), addressed to Head of Department, Regional Office, SEBI, East Kidwai Nagar, New Delhi. Hence, Head of Department, SEBI, Regional Office-East Kidwai Nagar is requested to provide said information on 38 questions pertaining to Health Caps India Limited as asked in email dated 18.09.24”
3. **Reply of the Respondent** - The respondent, in response to query 1 of application, informed that as per information available on MCA website, the company Health Caps India Limited is not a listed company and complaints against unlisted companies do not come under the purview of SEBI.

4. **Ground of appeal** – The appellant has filed the appeal on the ground that he was refused access to information requested.
5. I have perused the aforesaid queries and the response provided thereto. I note that the respondent has informed the appellant that the information pertains to unlisted company and the same does not come under the purview of SEBI. Hence, the information sought is not available with SEBI. I note that the respondent can only provide information that is available in the records. I note that the Hon'ble Central Information Commission in the matter of *Sb. 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 is not available with SEBI and therefore, the respondent cannot be obliged to provide such non-available information.
6. In view of the above observations, I find that there is no need to interfere with the decision of the respondent. However, the appellant, in his appeal, has requested that if the information sought does not pertain to SEBI, then his application may be transferred to the appropriate public authority. Accordingly, I hereby direct the respondent to forward the said application to the concerned public authority and intimate the appellant regarding the same, within 5 working days from the date of receipt of this order.
7. The Appeal is accordingly disposed of.

Place: Mumbai

Date: November 12, 2024

RUCHI CHOJER

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