

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

Appeal No. 5528 of 2022

Suresh Chander Panwar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated September 29, 2022 (transferred from the Department of Financial Services, Ministry of Finance and received by SEBI on October 19, 2022) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated November 15, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated December 02, 2022 (received by the Office of Appellate Authority on December 09, 2022). I have perused the application, the response of the respondent 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 September 29, 2022, *inter alia*, sought information regarding refund of amount invested in the shares of The Nawan Salt Traders Association. The appellant also enclosed copy of a certificate issued to one Mr. Chander Lal Mangi Lal for purchase of shares in the said company.
3. The respondent, in response to the aforesaid query, informed that the requested information is not available with SEBI.
4. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent.
5. I have perused the query and the response provided thereto. I note that the appellant has enclosed copy of a share certificate issued on September 01, 1922 with respect to shares of The Nawan Salt Traders Association Limited (registered under the Indian Companies Act, 1913). I note that the respondent has categorically stated that requested information is not available with SEBI. I do not find any reason to disbelieve the said response. In this regard, the Hon’ble Supreme Court, in the

matter of *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.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.*” In view of the same, I do not find any deficiency in the response.

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 30, 2022

ANAND BAIWAR

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