

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

Appeal No. 5954 of 2024

Satish Tyagi	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application (SEBIH/R/P/24/00026) dated January 23, 2024 (received by SEBI on January 27, 2024) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated February 15, 2024, responded to the application filed by the appellant. The appellant filed an appeal dated March 08, 2024 (received by the Office of Appellate Authority on March 19, 2024). 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. **Ground of appeal** - On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent.
3. I note that as regards requests in the application pertaining to the company, Securitrans India Pvt. Ltd, the respondent informed that the same is an unlisted company. Hence, all the information sought in the application regarding the said company are not available with Securities and Exchange Board of India (hereinafter referred to as “**SEBI**”). On consideration, I do not find any deficiency in the said response of the respondent as unlisted companies are outside the scope of SEBI. Hence, the respondent does not have any obligation to provide information regarding the same.
4. **Request nos. 1 and 5 the application** - The appellant, vide requests nos. 1 and 5 of his application, sought the information regarding CMS Infosystems Ltd:

“1. Provide activity names of these companies.”

“5. Provide copy of Regulation no of such appointment or resignation of key positions and also inform upto which positions these intimations are required to be intimated to SEBI/NSE by the registered company.”

5. **Reply of the Respondent** –As regards request nos. 1 and 5 of the application, pertaining to CMS Infosystems Ltd., the respondent informed that the information sought are vague and not specific. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act.
6. I have perused the aforesaid request and the response provided thereto. As regards the information sought regarding CMS Infosystems Ltd., I concur with the response of the respondent that the request no. 1 and 5 of the application are vague and not specific. It is an established law that the information sought for in order to be disclosable under the RTI Act, must be clear, specific and available in the records of the public authority. In this context, I note that in the matter of *Mr. T. V. Sundaresan vs. CPIO, Securities and Exchange Board of India* (Decision dated November 24, 2021), the Hon'ble Central Information Commission (hereinafter referred to as "**CIC**") held: "*The framework of the RTI Act, 2005 expects that the information sought is specific and believed to be existing with the public authority in documented or material form as such; which can be shared with the appellant as per the provisions of the RTI Act. Answering to broad, multiple and general queries and presumptive documents that should have been generated as per the expectation of the appellant cannot be furnished under the provisions of the Act.*" Hence, I do not find any deficiency in the response of the respondent.
7. **Request no. 2, 3 and 4 of the application** - The appellant, vide his requests nos. 2, 3 and 4 of his application, sought the following information regarding CMS Infosystems Ltd.:
- "2. Copy of announcement of appointment of Paresb Pendrekar and Gurunath Swami as Key responsible managers in either of the company under Regulation 30 during last 5 years for appointment or resignation or superannuation. As CMS intimated resignation of Praveen Soni CS on 26-09-2023 under regulation 30(LODR)*
- 3. Provide appointment of Paresb Pendrekar and Gurunath Swami in HR or IR department on any key position or superannuation resolution of board of directors*
- 4. Provide copies of the appointment and superannuation, intimation submitted to SEBI/NSE under applicable regulation."*
8. **Reply of the Respondent** - As regards request nos. 2, 3, and 4 of the application pertaining to CMS Infosystems Ltd., the respondent informed that as per Regulation 30(6) of SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015, the listed entity shall first disclose to the stock exchange(s) all events or information which are material. Further, respondent provided the relevant link to access the announcements made by the company on stock exchange website.

9. I have perused the aforesaid requests and the response provided thereto. On consideration, I find that the respondent has adequately addressed the said requests by providing the information available with him. Accordingly, no further intervention of this forum is warranted.

10. **Request no. 6 of the application** – The appellant, vide request nos. 6 of his application, sought the information pertaining CMS Infosystems Ltd.:

“6. Provide details of officer, in case of violations of applicable laws by the registered company, whom to send complaint”

11. **Reply of the Respondent** - In response to the request no. 6 of the application, pertaining CMS Infosystems Ltd., the respondent informed that as per SCORES website, in case of violation of applicable laws by listed companies, the complainant should first approach the concerned company/ intermediary against whom the complainant has a complaint. In case the complainant is not satisfied with their response, the complainant may then lodge his complaint online with SEBI on SCORES platform. The respondent also provided the link to access the FAQ's pertaining to lodging of complaint on SCORES.

12. I have perused the aforesaid requests and the response provided thereto. On consideration, I find that the respondent has adequately addressed the said request by providing the information available with him. Accordingly, no further intervention of this forum is warranted.

13. **Request no. 7 of the application** – The appellant, vide request no. 7 of his application, sought the information regarding CMS Infosystems Ltd.:

“7. Provide details of the conditions which are required to be complied and continue to comply by the NSE BSE registered company regarding employment laws of the employees.”

14. **Reply of the Respondent** – The respondent, in response to request no. 7 of the application, pertaining to CMS Infosystems Ltd., informed that the information sought pertains to employment laws which does not come under the purview of SEBI. Hence, the same is not available with SEBI.

15. 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. Further, on perusal of the appeal, it appears that the appellant expects the respondent to collect and collate such information sought from the concerned entities. 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.

16. 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 5, 2024

B RAJENDRAN

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