

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

Appeal No. 5931 of 2024

Shashank Dubey	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application (Reg. No. SEBIH/R/P/24/00010) dated January 05, 2024 (received by SEBI on January 10, 2024) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated January 24, 2024, responded to the application filed by the appellant. The appellant filed an appeal dated February 10, 2024 (received by the Office of Appellate Authority on February 26, 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. **Requests in the application-** The appellant in his application dated January 05, 2024, inter alia, sought the information related to merger/demerger of Vedanta Ltd. and various other companies.
3. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent.
4. **Reply of the Respondent to request nos. 1, 3, 4, 5, 6 and 7** - The respondent, in response to request nos. 1, 3, 4, 5, 6 and 7 of the application informed that the said requests are not clear and specific and are in the nature of seeking clarification. Accordingly, it cannot be considered as “information” as defined under Section 2(f) of the RTI Act, 2005.
5. I have perused requests nos. 1, 3, 4, 5, 6 and 7 of the application and the response provided thereto. I note that the manner in which the information has been sought in the instant RTI application is highly haphazard. The appellant has under one point, jumbled and merged numerous requests, leading to difficulty in identification and segregation of the requests. Hence, I concur with the response of the respondent that the said requests are vague/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."* Further, I concur with the response of the respondent that the said requests are also in the nature of seeking clarifications/opinion. In this context, reliance is placed on matter of *Shri Shantaram Walavalkar vs. CPIO, SEBI* (Decision dated January 17, 2013), wherein the Hon'ble Central Information Commission held: *"... we would also like to observe that, under the Right to Information (RTI) Act, the citizen has the responsibility to specify the exact information he wants; he is not supposed to seek any opinion or comments or clarifications or interpretations from the CPIO..."*. In view of these observations, I find that the aforesaid requests cannot be construed as seeking "information", as defined under section 2(f) of the RTI Act. Hence, I do not find any deficiency in the response of the respondent.

6. **Reply of the Respondent to request no. 2** - In response to the request no. 2 of the application, the respondent informed that information sought is not maintained by SEBI in the course of its normal functioning. Further, the respondent informed that information relating to the Scheme of Arrangement is available on the stock exchanges and company websites. Respondent provided the relevant links of exchange websites. The respondent also informed that for further information on Schemes of Arrangement, SEBI Master Circular on Scheme of Arrangement (dated June 20, 2023) can be accessed on SEBI website. The relevant link for the same was also provided to the applicant by the respondent.
7. I have perused request no. 2 of the application and the response provided thereto. I note that the respondent has categorically stated that the requested information is not available with SEBI. I do not have any reason to disbelieve the said response of the respondent. 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.

8. 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: March 13, 2024

B RAJENDRAN

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