

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

Appeal No. 6198 of 2024

Ujjawal Sharma	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated September 23, 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 04, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00251) dated October 13, 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 23, 2024, sought the following information:

“1. Particulars of compliant cases filed by SEBI under Section 24 and 27 of Securities and Exchange Board of India Act, 1992 from 1996 to 29.10.2002

2. Particular details of investments made by the investors/claimants in those above filed cases with the concerned details

3. Quantum of punishment i.e. sentence and fine imposed upon the accused by all the Honble Courts throughout India in those above filed cases

4. Particulars of disbursement so far to investors/claimants of fine or compensation recovered from the accused in those above decided cases”
3. **Reply of the Respondent** - The respondent, in response to the queries in the application, informed that the information sought by appellant is not maintained by SEBI in the manner/format as specified and hence, the same is not available with SEBI. However, the respondent also informed that the information

about prosecution cases filed by SEBI, which resulted in conviction, is available in the public domain on the SEBI website and provided the link for accessing the same.

4. **Ground of appeal** – The appellant has filed the appeal on the ground that the information provided is incomplete, misleading and false information.
5. I have perused the aforesaid request and the response provided thereto. I note that the respondent has clearly informed that the requested information is not maintained by SEBI in the manner/format as specified by the appellant. I do not find any reason to disbelieve the said response. I note that the CPIO is expected to provide information that is available and existing in the records. In this context, I note that similar response/submission provided by the respondent was accepted by the Hon'ble CIC in the matter of the *Prateek Tewari v. CPIO, SEBI* (Order dated January 19, 2023) and it was observed that “*In respect to point no. 13 the information sought cannot be directed to be disclosed as the same was sought in a particular format and the CPIO submitted that the same is not available in that format.*” In view of these observations, I do not find any deficiency in the response of the respondent.
6. Notwithstanding the above, I note that respondent has provided the link for accessing the “*list of cases which resulted in convictions in the prosecutions filed by the SEBI (As on 31st March 2023)*”. In this regard, I also note that appellant has submitted in his appeal that the said link is not working. On perusal, I note that the link for accessing the aforementioned information is accessible and the same is once again reproduced hereunder for the guidance of the appellant:

https://www.sebi.gov.in/otherentry/mar-2022/list-of-cases-resulted-in-convictions-in-the-prosecution-filed-by-sebi_20324.html
7. 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: November 08, 2024

RUCHI CHOJER

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