

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

Appeal No. 5846 of 2023

Pankaj Gaur	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. An application dated October 17, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (hereinafter referred to as “**RTI Act**”). The respondent, by a letter dated November 02, 2023 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00237) dated November 05, 2023. 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. **Requests in the application** - The appellant, vide his application dated October 17, 2023 sought following information:

“Please provide the following information/ documents being in public domain Google conversation with Bard under your custody and record:-

- (i) The total amount which has not been paid by the Bharat Petroleum Corporation Ltd. to the State Bank of India w.e.f. 2021 with principle and interest taken as loan for repayment but defaulted deliberately by the said company.*
- (ii) The total amount which has not been paid by the Bharat Petroleum Corporation Ltd. to the Punjab National Bank w.e.f. 2021 with principle and interest taken as loan for repayment but defaulted deliberately by the said company.*
- (iii) The total amount which has not been paid by the Bharat Petroleum Corporation Ltd. to the Union Bank of India w.e.f. 2021 with principle and interest taken as loan for repayment but defaulted deliberately by the said company.*
- (iv) Please also provide copy of the action taken by the Reserve Bank of India for recovery of the money from defaulter company and actions taken against the officeres responsible in default and actions taken against them M/s BPCL...”*

3. **Reply of the Respondent** The respondent, in response to the request, informed that the information sought do not pertain to Securities and Exchange Board of India (hereinafter referred to as “**SEBI**”) and hence, the information sought is not available with SEBI.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that he was refused access to information requested.
5. On perusal of the application and the response, I note that the respondent has categorically stated that the requested information is not available with SEBI, as the same does not pertain to SEBI. I note that the respondent can only provide information that is available in the records. On consideration, I find that the application has been adequately addressed and I do not find any deficiency in the response. In this context, I note that the Hon’ble Central Information Commission (hereinafter referred to as “**CIC**”), in the matter of *Sh. 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.*”
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: November 29, 2023

B RAJENDRAN

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