

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

Appeal No. 5036 of 2022

Ajay Singh	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated March 21, 2022 (transferred by Department of Economic Affairs and received by SEBI through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated April 18, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated May 11, 2022. 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. **Ground of appeal-** The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false. I note that an identical application was previously filed by the appellant and this forum, vide order dated May 19, 2022 in Appeal Nos. 5006 and 5007 of 2022, had dismissed the appeal filed with respect to the said application. Accordingly, I am dealing with the queries and the response provided thereto in the following paragraphs.
3. **Query numbers 1 and 4-** The appellant, vide query number 1 in his applications, sought details with respect to name, qualification and work experience of the current SEBI Chairman. Vide query number 4, the appellant sought information regarding career profile of SEBI Chairman.
4. The respondent, in response to the aforesaid queries, informed the name of the current Chairperson, SEBI. The respondent also advised the appellant to refer to the Chairperson’s profile which is available on the SEBI website. The appellant, in his appeal, *inter alia*, alleged the respondent has provided incorrect information.
5. I have perused the queries and the response provided thereto. On consideration, I find that the respondent has adequately addressed the queries by providing the information available with him.

Further, the respondent also guided the appellant to access the requested information relating to qualification/ work experience/ career profile of the Chairperson, SEBI, available on the SEBI website, which is in public domain. In view of the same, I do not find any deficiency in the response.

6. Further, I note that the appellant, in his appeal, has questioned the correctness of the information provided by the respondent. In this context, it is observed that the Hon'ble High Court of Delhi in *Hansi Rawat & Anr. vs Punjab National Bank & Ors.* (LPA No. 785/2012-decision dated January 11, 2013) held that "*The question, as to what inference if any is to be drawn from the response of the PIO of the respondent Bank to the RTI application of the appellants, is to be drawn in the said proceedings and as aforesaid the proceedings under the RTI Act cannot be converted into proceedings for adjudication of disputes as to the correctness of the information furnished.*" The said judgement was also relied upon by the Hon'ble CIC, in the matter of *Naresh Luthra vs. CPIO, IGNOU, Student Evaluation Division* (order dated December 01, 2021). In view of these observations, I am of the opinion that the said submission of the appellant does not warrant consideration at this stage.

7. **Query numbers 2, 5 and 6-** The appellant, vide query numbers 2, 5 and 6, sought the following information-

"2. panno , cin no and bankaccount no icicibank and associates and balance sheet.

5. Name of directors of icicibank and associates in Dec 2007.

6. No. of subsidiaries as per different stock exchanges Dec 2005 to 2021."

8. The respondent, in response to the aforesaid queries, informed that queries are vague and not specific and accordingly, the same cannot be construed as seeking "information", as defines under Section 2(f) of the RTI Act.
9. I have perused the queries raised by the appellant. I agree with the observation of the respondent that the query numbers 2, second part of query number 5 and query number 6 are vague and not clear. In view of the same, I do not find any deficiency in the response.
10. With respect to first part of query number 5, I find that the information with respect to name of directors can be found out by the appellant by accessing the information available in the public domain. I note that Hon'ble CIC in *Shri K Lall vs. Shri M K Bagri* (CIC/AT/A/2007/00112, order dated April 12, 2007) held that "*..... unless an information is exclusively held and controlled by a public authority, that information cannot be said to be an information accessible under the RTI Act. Inferentially it would mean that once a certain*

information is placed in the public domain accessible to the citizens either freely, or on payment of a pre-determined price, that information cannot be said to be 'held' or 'under the control of' the public authority and, thus would cease to be an information accessible under the RTI Act." In view of these observations, I find that the respondent cannot be obliged to provide response to such requests for information, as made by the appellant through his application.

11. **Query number 3-** The appellant, vide query number 3, sought the *"copy of IGRP meetings of ICICI Brokerages Services Ltd from 2006 to 2014 for all stock exchanges."*
12. The respondent, in response to the aforesaid query, informed that the information sought is not maintained by SEBI in the normal course of regulation of securities market. Hence, the same is not available with SEBI.
13. I have perused the query and the response provided thereto. On consideration, I do not find any reason to disbelieve the observation of the respondent that the requested information is not available with SEBI as the same is not maintained by SEBI in the normal course of regulation of securities market. In this context, I note that the Hon'ble CIC, in the matter of *Mrigesh Manubhai Thakkar vs. SEBI* (order dated December 28, 2016) observed that *"The Commission observes that the respondents can provide only that information which is existing and available with them and the RTI Act does not mandate it for the respondent authority to create information if it is not collected and collated in the normal course of their duties. The Commission, therefore, does not find any need to intervene in the matter. The appeal is disposed of."* In view of these observations, I do not find any deficiency in the response.
14. 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: June 03, 2022

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