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

Appeal No. 5713 of 2023
Appeal No. 5715 of 2023

Sidhesh	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed two applications (Reg. Nos. SEBIH/R/E/23/00414 and SEBIH/R/E/23/00416) dated April 20, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005("**RTI Act**"). The respondent, by two separate letters dated May 17, 2023, responded to the applications filed by the appellant. The appellant filed two appeals (Reg. No. SEBIH/A/E/23/00129 and SEBIH/A/E/23/00131) dated June 14, 2023 against the said responses dated May 17, 2023. I have carefully considered the applications, the responses and the appeals and find that the matter can be decided based on the material available on record.

2. **Queries in the application** –The appellant, vide his application (Reg. No. SEBIH/R/E/23/00414) dated April 20, 2023, sought the following information for the period 2022-23 and 2021- 22:

> *"1. The total count of GRC that was under taken in the above years and by broker and the count of GRC that was judged in favour of the investors and those in favour of the broker or member. If the plea of the investor is accepted in full or part, then the GRC is in favour of the investor."*

3. The appellant, vide his application (Reg. No. SEBIH/R/E/23/00416) dated April 20, 2023, sought the following information relating to NSE for the FY 2021-22 and 2022-23:

> *1.The total count of applications for GRC and arbitration registered inChennai NSE 2. The outcome of the GRC and arbitration by brokerclassifying the same as a. In favour of the investor (Plea accepted orpartially accepted) b. Against the investor (Plea rejected)"*

4. The respondent, in response to the aforesaid applications, informed that the information sought by the appellant is not maintained by SEBI in the normal course of regulation of securities market. Hence, the same is not available with SEBI. However, the respondent informed that the information with respect to complaint/arbitration status of NSE is available on the website of NSE. The respondent also provided the link for accessing the same.

5. **Ground of appeal-** The appellant has filed the appeals on the ground that access to the requested information was refused. The appellant, in his appeals, *inter alia*, requested to obtain the information from NSE.

6. I have perused the queries and the responses provided thereto. I find that the respondent has categorically informed that the requested information is not maintained by SEBI in the normal course of regulation of securities market. I note that the requested information is not available on record. In this context, I note that the Hon'ble CIC, in the matter of *Lakshminarayanan R vs. SEBI* (order dated February 09, 2023) observed that "*Keeping in view the facts of the case, the Commission observed that the information sought by the appellant regarding Central Depository Services Ltd. was not maintained by the respondent authority in the normal course of regulation of securities market. It is an established law that the information sought for in order to be disclosable under the RTI Act, 2005 must be existent and available in the records…… In the instant case, the desired information was not available in the records of the respondent authority. The CPIO in his reply and written submissions has also sufficiently explained the reason for denial of information in the present case. Therefore, the denial is justified and upheld accordingly."* In view of these observations, I do not find any deficiency in the response.

7. Further, I note that the appellant, in his appeals, requested to obtain the information from NSE. I am of the view that the respondent is expected to provide only that information which exists with the public authority when it receives an application under the RTI Act. The respondent has categorically stated in his responses that the information sought was not available with SEBI. Accordingly, the respondent is not required to obtain such information for the sole purpose of providing the same to an applicant under the RTI Act. However, I note that the respondent has guided the appellant to access the information already available on the NSE website, which is in the public domain.

8. In view of the above observations, I find that there is no need to interfere with the decision of the respondent. The appeals are accordingly dismissed.

Place: Mumbai
Date: July 13, 2023

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