

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

Appeal No. 5991 of 2024

Rudra Pratap Singh	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated April 04, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated April 19, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00084) dated April 23, 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. **Ground of appeal** - The appellant has filed the appeal on the ground that information provided is incomplete, misleading or false information. The appellant, in his appeal, has raised dissatisfaction only with respect to the reply to request nos. 1 and 3 of his application.
3. **Request no. 1 of the application** - The appellant, vide request no. 1 of his application dated April 04, 2024, sought the following information:

"1. SEBI has returned one IPO recently - Polymatech. The reason of return of IPO and return letter/notice issued in the matter."
4. **Reply of the Respondent** - The respondent, in response to the aforesaid request informed that the DRHP of Polymatech Electronics Limited was returned in terms of clause 1.1(iii)(e) of SEBI Circular No. SEBI/HO/CFD/PoD-1/P/CIR/2024/09 on *Guidelines for return of documents and its re-submission*, dated February 6, 2024, which is available on SEBI website. The respondent provided the relevant link to access the aforesaid information.

5. I have perused the request, the response provided thereto. I note that the appellant in the aforesaid request has sought two information i.e. reason for return of the IPO of Polymatech Electronics Limited and return letter/notice issued in the matter. I note that respondent has only provided information pertaining to the reason for return of the said IPO. However, the request pertaining to return letter/notice has not been adequately addressed. In my view, the respondent was obliged to ascertain availability of the requested information with SEBI and whether the same may be provided to the appellant in accordance with the provisions of the RTI Act. On consideration, I find that the application has not been adequately addressed. Accordingly, it would be appropriate to remit the application for reconsideration.

6. **Request no. 3 of the application** - The appellant, vide request no. 3 of his application dated April 04, 2024, has referred to SEBI circular no. SEBI/HO/CFD/PoD-1/P/CIR/2024/ 016 dated March 13, 2024 and sought the following information:

“Any internal guidelines issued by SEBI after this circular. Provide copy of the same.”

7. **Reply of the Respondent** - The respondent, in response to the aforesaid request informed that the information sought is vague, not clear and are in the nature of seeking clarification. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act, 2005. The respondent further informed that the status of processing of offer documents is made available on SEBI website and also provided the relevant link to access the same.

8. I have perused the request, the response provided thereto. On consideration, I agree with the response of the respondent that the aforesaid request is vague and 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.”* In view of these observations, I find that the request cannot be construed as seeking “information”, as defined under section 2(f) of the RTI Act.

9. Considering the above observations, I remit the application to the respondent for *de novo* consideration of request no. 1 (pertaining to return letter/notice issued in the matter) of the application and sending appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.
10. The Appeal is accordingly disposed of.

Place: Mumbai

Date: May 7, 2024

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