

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

Appeal No. 5744 of 2023

Sourave	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated June 12, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated July 10, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00159) dated July 13, 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. **Ground of appeal-** The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false. The appellant, in his appeal, *inter alia*, submitted that instead of answering all the questions, the CPIO referred to a Circular dated November 25, 2022 issued by SEBI. The appellant, also submitted that the response provided by the CPIO was inadequate and did not adhere to the provisions of the RTI Act. In view of the submissions made by the appellant in his appeal, I am dealing with the requests and the response provided thereto, in the following paragraphs.
3. **Request number 1-** The appellant, vide request number 1, sought the following information related to technical glitch cases and RCA (Root Cause Analysis) reports submitted by stock brokers to the National Stock Exchange (NSE):

“(1). The number of technical glitch cases recorded by the NSE between 1st May 2023 to 31st May 2023.”
4. The respondent, in response to the aforesaid request, informed that as per SEBI Circular dated November 25, 2022 on framework to address the technical glitches in stock brokers’ electronic trading systems, Stock exchanges shall disseminate on their websites the instances of technical glitches occurred

in the trading system of stock brokers. The respondent guided the appellant to seek data from the website of NSE under the head “Trade”.

5. I have perused the request and the response provided thereto. I note that information regarding technical glitches reported by Trading Members with NSE is already made available on the NSE website, which is in the public domain and the same can be accessed by the appellant. I note that the Hon’ble CIC, in the matter of *Kul Bhushan Jain vs. CPIO, SEBI* (Order dated December 22, 2022) observed that “*The Commission noted that the reply given by the CPIO was appropriate as he first quoted the relevant notifications with their dates -8th June 2018 and 30th November 2018. He also informed the appellant that these gazette notification are available on the SEBI website. A link was also given to access the same. The FAA quoted certain court rulings which state that once the information is available on a website, it is in public domain and no longer held or under the control of the public authority. The FAA had also stated that the link was provided to access the information and the link is active. The same was reiterated vide the written submissions dated 16.2.2022 which was also endorsed to the appellant. The Commission is in agreement with the submissions advanced by the Representative of the CPIO. From the submissions, it is abundantly clear that the information is available on the given website and hyper link..... Therefore, no further action is warranted in the present case.*”. In view of these observations, I find that the respondent cannot be obliged to research information which is already available in the public domain and then provide the same to the appellant.
6. Notwithstanding the same, I note that the respondent has appropriately guided the appellant to refer to the relevant website for accessing the requested information. Accordingly, I do not find any deficiency in the response.
7. For further clarity, the appellant may refer to the following link for information pertaining to Technical Glitches reported by Trading Members-

<https://www.nseindia.com/trade/technical-glitches-reported-by-trading-members>
8. Request numbers 2, 3, 4 and 5- The appellant, vide request numbers 2, 3, 4 and 5, sought the following information-

“(2) *The Name of stock brokers who have submitted RCA (Root Cause Analysis) reports of their technical glitches to the NSE between the aforementioned dates.*

(3) *If any stockbroker has submitted an RCA report, I request a copy of the RCA report for that stockbroker.*

(4). If a stockbroker has not submitted an RCA report for their technical glitch, I would like to know if the NSE has conducted any investigation or taken any action regarding the incident.

(5) If para 4 yes, Please provide details of any investigations, actions, or correspondence related to the stock brokers non-submission of the RCA report.”

9. The respondent, in response to the aforesaid requests, informed that as per SEBI circular dated November 25, 2022 on framework to address the technical glitches in stock broker' electronic trading systems, stock brokers are required to submit Root Cause Analysis(RCA) report within 14 days from the date of the incident, to stock exchanges and not to SEBI. The respondent also informed that as per the said circular, there is no regulatory requirement to submit the said details to SEBI by stock exchanges.
10. I have perused the requests and the response provided thereto. I note that the respondent has categorically stated that there is no requirement to submit the RCA report with SEBI. On consideration, I find that the respondent has adequately addressed the requests by providing the information available with him regarding submissions of the Root Cause Analysis report with the stock exchanges. Accordingly, I do not find any deficiency in the response.
11. 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: August 11, 2023

B RAJENDRAN

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