

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

Appeal No. 6142 of 2024

Shail Ketan Shah	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated August 19, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated September 03, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00205) dated September 03, 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. **Request in the application** - The appellant, vide his request of the application dated August 19, 2024 sought the following information:

“You are requested to provide certified copy of SEBI guidelines/ rules and regulations/ notification and circulars for the following
 1. *Process to be followed by RTAs for KYC/ISR Forms registration/ updation of portfolio by RTA and customers*
 2. *List of documents and Additional Documents to be submitted/ demanded by RTA from shareholder for*
 - a. *Change of KYC*
 - b. *Change of Signature/ Mismatch of signature.*
 - c. *Change of address.*
 - d. *Issuance of unclaimed share certificate*
 - e. *Process to be followed when share certificate has not been claimed by shareholder*
 - f. *Process to be followed for RTA when notified of fraud/ suspicious transaction/ suspicious communication by shareholder”*
3. **Reply of the Respondent** - The respondent, in response to the application, informed that regulations/ notifications and circulars issued by SEBI with respect to various intermediaries are updated in SEBI website. The respondent provided the relevant path to access the same.

Further, the respondent informed that as the information sought pertains to RTA, the appellant may refer to SEBI's Master Circular dated May 07, 2024 for "Registrar and Share Transfer Agent (RTAs)". The respondent also provided the relevant link to access the same on SEBI website.

4. **Ground of appeal** - On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent.
5. I have perused the aforesaid request and the response provided thereto. I note that the respondent has informed the appellant that the information sought is available on SEBI website and has also provided the relevant links to access the same on the website. On consideration, I find that the information sought is in public domain. In this context, reliance is placed on Hon'ble Central Information Commission (hereinafter referred to as "**CIC**") order dated December 22, 2022, in the matter of *Kul Bhushan Jain vs. CPIO, SEBI*, wherein it was 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 provide documents, which is already available in the public domain.
6. Further, I note that the appellant, in his appeal, has requested for certified copies of the documents sought. In this regard, I note that for issuance of certified copies of SEBI orders and circulars, SEBI has issued SEBI Circular No. CIR/LAD/1/2019 (Issue of Certified copies of Orders and Circulars) dated April 04, 2019 and SEBI Circular No. SEBI/HO/LAD1/LAD1_DoP3/P/CIR/2023/88 (Amendment to Circular on issue of Certified copies of Orders and Circulars) dated June 13, 2023. The same is available on the SEBI website (www.sebi.gov.in) under the headings Legal Framework → Circulars. The appellant may be guided by the same.

7. 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: October 01, 2024

RUCHI CHOJER

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