

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

Appeal No. 6065 of 2024

Harbans Singh Sahni	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated June 10, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 24, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00139) dated June 24, 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 respondent has filed the appeal on the ground that information provided is incomplete, misleading and false information.
3. **Request no. 1 and 3 of the application** - The appellant, vide his requests nos. 1 and 3 of the application dated June 10, 2024, sought the following information:
 1. *“Provide the copy of periodic Report submitted by Metropolitan stock exchange to sebi with reference to Non complainece of Arbitattor award from the respondents company Gradiante infotainment Ltd involving the RTA and captioned RTA RefMSE RTA 2023 10 889163”*
 3. *“Action taken by karry computer share private Ltd formerly known as kfintecnologies pvt RTA of Gradiante infotainment for not maintaining the address of Mohammed Abdul Muquuet with keyc Document Mandatory step which refers to voilation of sebi guidelines”*
4. **Reply of the Respondent** - The respondent, in response to request nos. 1 and 3 of the application informed that the information sought is not maintained by SEBI in normal course of regulation of securities market. Hence the same is not available with SEBI.
5. I have perused the aforesaid requests and the response provided thereto. I note that the respondent has categorically stated that the requested information is not available with SEBI. I do not have any reason to disbelieve the said response of the respondent. I note that the respondent can only provide information

that is available in the records. Further, on perusal of the application and the appeal, it appears that the appellant expects the respondent to collect and collate the requested information from BSE. In this context, I note that the Hon'ble Supreme Court of India in *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors* (Judgment dated August 9, 2011) held that *"The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant."* Accordingly, I do not find any deficiency in the response of the respondent.

6. **Request no. 2 of the application** - The appellant, vide his request no. 2 of the application dated June 10, 2024, sought the following information:

2. *"Action taken by sebi against periodic Report submitted by Metropolitan stock exchange stock exchange with reference to Non compliance of Arbitrator award from The Respondents of company Gradiante infotainment Ltd involving the RTA and captioned RTA Day to Day Report and also copy Ref MSE RTA 2023 10 889163"*

7. **Reply of the Respondent** - The respondent, in response to request no. 2 of the application informed that the information sought is vague. Accordingly, the same cannot be construed as "Information" as defined u/s 2(f) of the RTI Act, 2005. Additionally, the respondent informed that details of enforcement actions taken by SEBI are available on SEBI website. The respondent also provided the relevant path to access the same on SEBI website.
8. I have perused the request and the response provided thereto. I concur with the response of the respondent that the request is vague. 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.” Accordingly, I do not find any deficiency in the response of the respondent.

9. 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: July 18, 2024

RUCHI CHOJER

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