

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

Appeal No. 5031 of 2022

Appeal No. 5032 of 2022

Praveenkumar B Totaganti	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed two applications dated April 13, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a common letter dated May 04, 2022, responded to the application filed by the appellant. The appellant filed two appeals dated May 05, 2022 having Registration No. SEBIH/A/E/22/00332 and SEBIH/A/E/22/00333, against the said response dated May 04, 2022. I have carefully considered the applications, the response 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 one application dated April 13, 2022, sought the following information:

“Please send me Candlestick chart of Nickel April Futures Contract on 8th of March 2022 for the whole day from Multi Commodity Exchange(MCX).”
3. The appellant, vide another application dated April 13, 2022, sought the following information:

“Please send me the information regarding margin money required to purchase Nickel April Future contract in Multi Commodity Exchange(MCX) on 7th of March 2022 and 8th of March 2022.”
4. The respondent, in response to the aforesaid queries, informed that the information sought by the appellant is not maintained by SEBI in normal course of regulation of securities market. Hence, the same is not available with SEBI.
5. **Ground of appeal-** The appellant has filed the appeals on the ground that access to the requested information was refused.

6. I have perused the queries and the response provided thereto. On consideration, I do not find any reason to disbelieve the observation of the respondent that the requested information is not available with SEBI as the same is not maintained by SEBI. In this context, I note that the Hon'ble CIC, in the matter of *Mrigesh Manubhai Thakkar vs. SEBI* (order dated December 28, 2016) observed that "*The Commission observes that the respondents can provide only that information which is existing and available with them and the RTI Act does not mandate it for the respondent authority to create information if it is not collected and collated in the normal course of their duties. The Commission, therefore, does not find any need to intervene in the matter. The appeal is disposed of.*" In view of these observations, I do not find any deficiency in the response.
7. Further, I note that the appellant, in his appeals, *inter alia*, submitted that the requested information can be provided by SEBI after enquiring with MCX. The appellant also requested to direct MCX to provide the Candlestick chart of Nickel April Futures Contract on 8th March 2022 for the whole day. I find that the respondent is only expected to see that the information to be furnished to an applicant is the one which exists with the public authority when it receives an application under the RTI Act. The respondent has categorically stated in its response that the information sought was not available with SEBI. The respondent is not expected to obtain any information for the sole purpose of providing the same to an applicant under the RTI Act. Further, I note that the RTI Act cannot be used to make the respondent to do certain things or to take certain action. In view of these observations, I find no merit in the submissions made by the appellant and the same do not warrant consideration at this stage.
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: May 30, 2022

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