

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

Appeal No. 5906 of 2024

Nilesh Jain	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated January 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 January 23, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00017) dated February 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. **Requests in the application** –The appellant, vide his application dated January 04, 2024 sought the following information”

“1. Kindly inform about the latest criteria under the Companies Act, 2013 for deciding Vanishing Companies

2. Kindly inform us the name of the Apex entity / Government Regulator / Ministry responsible for deciding criteria for Vanishing Companies”
3. **Reply of the respondent** - The respondent in response to the application informed that SEBI does not deal with deciding the criteria for vanishing companies. The same is under the jurisdiction of Ministry of Corporate Affairs.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that he has been refused to access to information requested. In light of the response of the respondent, the appellant in his appeal has requested that his application may be transferred to concerned authority or MCA.

5. I have perused the request and the response provided thereto. On consideration, I find that the respondent has informed the appellant that the information sought in the application is not dealt with SEBI and the same is under the jurisdiction of Ministry of Corporate Affairs. On consideration, I find that the application has been adequately addressed and I do not find any deficiency in the response. Further, I note that the appellant in his appeal has sought information regarding whether SEBI has empowered depositories/ stock exchanges to devise own norms for vanishing companies. I note that the appellant in his appeal is now seeking new information pertaining to his application. As held by the Hon'ble Central Information Commission (hereinafter referred to as "**CIC**") in *Harish Prasad Divedi vs. Bharat Petroleum Corporation Limited* (decided on January 28, 2014), an information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage.
6. In view of the above observations, I find that there is no need to interfere with the decision of the respondent. However, the appellant, in his appeal, has requested that if the information sought in the application is not dealt with SEBI, then his application may be transferred to the appropriate public authority. Accordingly, I hereby direct the respondent to forward the said application to the concerned public authority and intimate the appellant regarding the same, within 5 working days from the date of receipt of this order.
7. The Appeal is accordingly disposed of.

Place: Mumbai

Date: February 22, 2024

B RAJENDRAN

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