

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

Appeal No. 5612 of 2023

Ajay Basudev Bose	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated February 03, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 03, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00049) dated March 05, 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. **Queries in the application** –The appellant, vide his application dated February 03, 2023, sought the following information:

“1. Please provide details of Restrictions imposed by SEBI on Trading in Stocks of Adani Group of Companies, Please provide Names of Stocks.”
3. The respondent, in response to the aforesaid query, informed that SEBI seeks to maintain orderly and efficient functioning of the market and has put in place a set of well-defined surveillance measures (including the ASM framework) to address excessive volatility in specific stocks. Further, the mechanism gets triggered under certain conditions of price volatility in any stock. The respondent also informed that the list of stocks under surveillance measures are in the public domain (on the websites of NSE and BSE). The respondent also provided the links for accessing the same.
4. **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 the reply provided by the respondent was incorrect and general in nature. Further, the appellant stated that he could not find the relevant information on the website of NSE and BSE.

5. I have perused the query and the response provided thereto. I note that the respondent has informed regarding the Additional Surveillance Measures (ASM Framework) that has been put in place to address excessive volatility in specific stocks. The respondent has categorically stated that the list of stocks under surveillance measures are available in the public domain. I note that the requested information can be found out by the appellant himself by accessing the information available on the websites of NSE and BSE which are in the public domain. The respondent cannot be expected to research and compile the information which is already available in the public domain and then provide the same to the appellant. In this context, the Hon'ble Delhi High Court in *Registrar of Companies & Ors. Vs. Dharmendra Kumar Garg & Anr.* (order dated June 01, 2012) and the Hon'ble CIC in *Shri K Lall vs. Shri M K Bagri* (CIC/AT/A/2007/00112, order dated April 12, 2007) *inter alia*, held that if the relevant information is available in the public domain, the same cannot be said to be information held by the public authority and consequently there is no obligation to provide such information to an applicant under the RTI Act. Notwithstanding the same, I note that the respondent has guided the appellant to access the relevant information which is available in the public domain. In view of the same, I find that the query has been adequately addressed and no further intervention is warranted at this stage.
6. Further, the appellant may also refer to the following link for accessing the Source Link- NSE and Source Link- BSE with respect to Additional Surveillance Measure (ASM):
- <https://www.sebi.gov.in/curation/surveillance.html>
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: March 29, 2023

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