

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

Appeal No. 5336 of 2022

M Kannan	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated July 04, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated July 25, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00480) dated July 30, 2022. 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 July 04, 2022, sought the following information:

“I Provide the data that TDS amount deducted by TAMILNADU CEMENTS CORPORATION LIMITED having PAN/Gir No A.....K for Sri Murugan Transports PGM complex Trichy main Road Ariyalur having PAN No A.....46A for the financial year 2007 08 The data available with income tax dept is 2008 09 onwards only I was advised by the Income Tax TDS ward to get the data pertaining to earlier than FY 2008 09 from you.”
3. The respondent, in response to the aforesaid query, informed that the subject matter does not fall under the purview of SEBI and hence no information is available with SEBI.
4. **Ground of appeal-** The appellant, in his appeal, *inter alia*, submitted that the respondent is obligated to forward the request to the concerned CPIO under section 6(3) of the RTI Act.
5. I have perused the query and the response provided thereto. I find that the respondent has categorically informed regarding non-availability of the requested information with SEBI as the subject matter does not fall under the purview of SEBI. I do not find any reason to disbelieve the response of the respondent.

6. With respect to the submission of the appellant regarding obligation of the respondent to transfer the application to the concerned CPIO under the RTI Act, attention is drawn to the matter of *Shri Ketan Kantilal Modi vs. Central Board of Excise & Customs* (Decision dated September 22, 2009), wherein the Hon'ble CIC had held that "*A petitioner is obliged under Section 6(1) to file his RTI-application before the CPIO of the public authority which is the 'concerned public authority', which holds the information within the meaning of Section 2(j) of the Act... The decision to transfer an RTI application to another public authority under Section 6(3) is to be CPIO's given the circumstances surrounding a particular request for information. These circumstances may vary from case to case and petition to petition and cannot be predetermined*". In view of these observations, I find that an applicant cannot file an application under the RTI Act, before an unrelated public authority, with an expectation that the CPIO of such public authority would transfer the same, in accordance with section 6(3) of that Act, to the concerned public authority where the information may be held. Further, I note that the appellant has stated in his application that the requested information is not available with the Income Tax TDS ward and that the appellant was advised to get the same from SEBI. Therefore, in the instant case, no fault can be found with the respondent for not transferring the appellant's application to any other public authority.
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: August 26, 2022

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