

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

Appeal No. 6372 of 2025

Anchal Verma : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated April 21, 2025 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated April 30, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00081) dated May 01, 2025. 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, in his application dated April 21, 2025, sought the following information:

“ 1. Bank Details Please provide the bank account details (such as name of account holder and bank name) that are registered in the SEBI SMART Portal account created under the name Anchal Verma S/o Giriraj Sharan

2. Password Change & Login History Please share the date and time when the password of this SEBI SMART Portal account was last time changed. Also provide the IP address, device/ browser used, and full login history and changes made from the date of registration till now.

3. Communication Record Please provide copies of all communication (emails, SMS, or calls) sent by SEBI to the email ID and mobile number registered on the SMART Portal account under the name Anchal Verma S/o Giriraj Sharan .

4. Action Taken Against KG Foundation What action has SEBI taken against KG Foundation for carrying out this fraudulent activity related to the unauthorized creation and manipulation of the SEBI SMART Portal account?

5. *Permanent Deletion of Account* What is the process to permanently delete or deactivate the SMART Portal account registered under the name of Anchal Verma S/o Giriraj Sharan? Kindly share the required steps and documentation needed.”

3. **Reply of the Respondent** –The respondent, in response to query no. 1 in the application, informed that the appellant can access the bank account details by entering his credentials on the SMART PORTAL, which were already shared at the time of registration on the registered email id.

The respondent, in response to query no. 2, informed that the information sought by the appellant is not maintained by SEBI. The respondent has also informed that as the appellant has access to change the password, the information must be with the applicant.

The respondent, in response to query nos. 3 and 4, informed that queries are vague and not clear. Accordingly, the same cannot be construed as “Information”, as defined u/s 2(f) of the RTI Act.

The respondent, in response to query no.5, informed that the appellant can remove/delete his account from the SMART PORTAL by sending an email to smarts@sebi.gov.in.

4. **Ground of appeal** – The appellant has filed the appeal on the ground that he was provided incomplete, misleading or false information.
5. I have perused the application and the response provided thereto. With regard to query no. 1 in the application, I note that respondent has informed that appellant can access the requested information himself by entering his credentials on the SMART PORTAL. I find that the information already in possession of a RTI applicant can be denied to him as the same cannot be said to be exclusively held by a public authority. In this context, Hon’ble Central Information Commission (hereinafter referred to as “**CIC**”) in its decision in *Shri S.P. Goyal vs. Shri Pragati Kumar & Ors.* (order dated January 24, 2008), held that “Further, the obligation of a respondent extends only to providing information which it “holds” or controls in terms of Section 2(f) of the RTI Act. If it can be established through evidence that a party/ applicant himself possesses an information which he has sought from a public authority, such information can be denied to him. This appellant has already been provided the judgement dated 30.3.2007 of the Income Tax Appellate Authority. The information, therefore, is already in appellant’s possession and cannot therefore be said to be “held”-much less “exclusively held”-by the public authority in terms of Section 2(j) of the RTI Act.” Accordingly, I do not find any deficiency in the response of the respondent. Notwithstanding the above, the appellant in his appeal has claimed that an account in his name in SMART PORTAL has been created without his consent by certain individuals and credentials to the account is

unlawfully held by the said individuals. In this regard, I find that veracity of the claim of the appellant cannot be decided in the instant proceedings. In this context, it is pertinent to note that the Hon'ble High Court of Delhi in the matter of *Hansi Rawat and Anr. v. Punjab National Bank and Ors.* (LPA No.785/2012) dated 11.01.2013 has held as under:

"6...proceedings under the RTI Act cannot be converted into proceedings for adjudication of disputes as to the correctness of the information furnished."

However, the appellant can approach the appropriate authority for redressal of his grievance. In light of the aforesaid, I find that no further interference of this forum is necessary.

6. With regard to query no. 2, I find that the information sought by the appellant is not maintained by SEBI. I note that the respondent can only provide information that is available in the records. 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.'* Further, I note that the Hon'ble CIC in the matter of *Sh. Pattipati Rama Murthy vs. CPIO, SEBI* (Decision dated July 8, 2013), held: *"... if it (SEBI) does not have any such information in its possession, the CPIO cannot obviously invent one for the benefit of the Appellant. There is simply no information to be given."* Accordingly, I do not find any deficiency in the response of the respondent.
7. With regard to query nos. 3 and 4, I concur with the respondent that the queries are vague, broad and not specific. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act. 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 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."* In view of these observations, I find that the respondent is

not obliged to provide a response where the information sought is vague, broad and not specific. Accordingly, I do not find any deficiency in the response of the respondent.

8. Further, I note that the appellant in his appeal has tried to explain and clarify his queries and has once again sought the requested information. I am of the view that the appellant should have made clear and specific queries in his initial application instead of offering clarifications at the appellate stage. As held by the Hon'ble 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. Accordingly, I find that the said submissions do not warrant consideration at this stage.
9. With regard to query no. 5, I find that respondent has adequately addressed the query by providing the information available with him.
10. 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: May 29, 2025

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