

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

**Appeal No. 3939 of 2020**

Sambasivaw Raav : Appellant

Vs.

CPIO, SEBI, Mumbai : Respondent

**ORDER**

1. The appellant had filed an application dated June 30, 2020 (received by SEBI on July 24, 2020) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated August 12, 2020, responded to the application filed by the appellant. The appellant filed an appeal dated September 30, 2020 (received by the Office of Appellate Authority on October 08, 2020), against the said response dated August 12, 2020. 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 June 30, 2020, had *inter alia* sought the following information-
  1. *Status report and action taken on 17 companies mentioned in the application, for failure to send annual report and dividend.*
  2. *“Under section 6(3) my application to be transfer to the concerned u/s 4(1)(a) on 17 points of your office, u/s 4(1)(c)(d) answer to each decision, not decision on this points. u/s 5(1)(2) u/s 6(1) and 19(1) CPIO and FAA details full postal address, name, designation be sent.”*
  3. *Full postal address of all the companies mentioned in the application.*
  4. *The grievance redressal mechanism in each company, in each SEBI, ROC and in your department be informed.*
  5. *The right of small investors and the action taken and status report on above companies*
  6. *SEBI/ROC, your department filed complaints on them*
  7. *On each above company, court cases, actions taken report copies be sent to me.*
3. The respondent, in response to query number 1, provided the requested information at Annexure-I, which was enclosed with the response. With respect to query numbers 2 and 6, the respondent observed that the same are vague and not specific and accordingly cannot be construed as “information”, as defined under section 2(f) of the RTI Act. With respect to query number 3, the respondent informed

that the information sought with respect to address of listed companies, is available on website of stock exchange. The respondent, in response to query number 4, informed that the grievance redressal mechanism in SEBI was available on the SEBI website. The respondent also provided the link for accessing the same. With respect to query number 5, the respondent informed that the actions taken by SEBI against listed companies, were available on SEBI website. The respondent also provided the link for accessing the same. In response to query number 7, the respondent informed that the information sought by the appellant, was not available with SEBI as the same was not maintained by SEBI in normal course of regulation of securities market. Further, it was stated that the information about enforcement action taken by SEBI, was available on the SEBI website.

4. **Grounds of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response of the respondent. The appellant, in his appeal, has *inter alia* stated that all directors must be punished and same information should be published in all media. In addition to the same, the appellant has *inter alia*, sought the following information regarding the companies-

1. *Meaning of liquidated company. Any case booked against directors.*
2. *Meaning of delisted company.*
3. *Whether investment will be paid by them. Asset value of the companies.*
4. *Why action has not been taken on unlisted company.*
5. *Duties and responsibilities of SEBI*
6. *Which companies come under the purview of SEBI.*

The appellant has also reiterated his request for information regarding action taken against the companies. Further, the appellant has also requested redressal of 8 complaints, referred in the appeal.

5. **Query number 1-** I have perused the query and the response. I note that the respondent, vide Annexure-I enclosed with the response, had provided the details with respect to status of the company, SCORES registration number for non receipt of dividend, status of the complaint etc., pertaining to each of the 17 companies, referred to in the application. I note that the respondent has adequately addressed the query by providing the information available with the respondent.
6. The appellant, in his appeal, has sought additional information regarding meaning of liquidated company, delisted company and whether his investment will be paid by the companies. Further, the appellant, in his appeal, has requested information regarding asset value of the companies and why action has not been taken on unlisted companies. The appellant also sought information regarding duties and liabilities

of SEBI and which companies come under the purview of SEBI. I find that these queries did not form part of the said application dated June 30, 2020. I also find that the said request was raised by the appellant for the first time in this appeal. 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.

7. **Query numbers 2 and 6-** I have perused the queries and I agree with the observation of the respondent that the same are vague and not specific. I find that no information, as defined under section 2(f) of the RTI Act, has been sought by the appellant. I note that in the matter of *Shri S. C. Sharma vs. CPIO, Securities and Exchange Board of India* (Decision dated August 30, 2012), the Hon'ble CIC had held that: "*Since the Appellant had not clearly stated what exact information he wanted, the CPIO could not have provided any specific information to him. We would like to advise the Appellant that he might like to specify the exact information he wants from the SEBI and prefer a fresh application before the CPIO*". In view of these observations, I find that the respondent is not obliged to provide a response where the information sought is not clear and specific.
8. **Query number 3-** I note that the appellant had sought full postal address of the companies mentioned in his application. I find that the respondent has appropriately advised the appellant that the information sought by the appellant, is available on the website of the stock exchanges. In this regard, I note that Hon'ble CIC, in *Shri K Lall vs. Shri M K Bagri* (CIC/AT/A/2007/00112, order dated April 12, 2007) held that "... *unless an information is exclusively held and controlled by a public authority, that information cannot be said to be an information accessible under the RTI Act. Inferentially it would mean that once a certain information is placed in the public domain accessible to the citizens either freely, or on payment of a pre-determined price, that information cannot be said to be 'held' or 'under the control of' the public authority and, thus would cease to be an information accessible under the RTI Act.*" This view was upheld by the Hon'ble Delhi High Court in *Registrar of Companies & ors. Vs. Dharmendra Kumar Garg & anr.* [W.P. (C) 11271/2009 decided on June 1, 2012]. Accordingly, I do not find any deficiency in the response.
9. **Query number 4-** With respect to query number 4, I note that the respondent had provided the link for accessing the grievance redressal mechanism of SEBI. I find that the respondent has provided the information available with him. Further, the appellant has not made any specific submission regarding the response. Accordingly, no interference is needed at this stage.

10. **Query number 5-** On perusal of the query, the same appears to be vague and not specific. Notwithstanding the same, I find that the respondent has already provided the status report with respect to each of the companies. Further, I note that the respondent has provided the link to the SEBI website for accessing all enforcement actions taken by SEBI, against various entities. It is understood that SEBI conducts examination and investigation confidentially. However, post investigation, whenever violations are established, appropriate enforcement actions are taken under provisions of the SEBI Act, 1992 and Regulations framed thereunder, which culminate in the issuance of orders and the same are available on the SEBI website. In view of the said observations, I find no deficiency in the response.
11. **Query number 7-** I do not find any reason to disbelieve the observation that the details sought by the appellant, are not maintained by SEBI in the normal course of regulation of securities market. 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 “.....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, with respect to action taken by SEBI, I note that the respondent has adequately guided the appellant to access the information on the SEBI website. In view of the observation made at para 10 supra, I find that the respondent has adequately addressed the query. Accordingly, I do not find any deficiency in the response.
12. On perusal of the appeal, it appears that the appellant has grievance regarding redressal of 8 complaints referred to in the appeal. In this context, I note that the Hon'ble CIC, in the matter of *Sh. Triveni Prasad Babuguna vs. LIC of India, Lucknow* (Decision dated September 6, 2012), held: “*The Appellant is informed that ... redressal of grievance does not fall within the ambit of the RTI Act rather it is up to the Appellant to approach the correct grievance redressal forum...*”. In view of these observations, I find that if the appellant has any grievance, the remedy for the same would not lie under the provisions of the RTI Act.
13. 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

ANAND BAIWAR

Date: November 09, 2020

APPELLATE AUTHORITY UNDER THE RTI ACT

**SECURITIES AND EXCHANGE BOARD OF INDIA**



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BY THE PEOPLE. FOR THE PEOPLE. OF THE PEOPLE