

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

Appeal No. 4326 of 2021

Lakshminarayanan : Appellant
Ramanujam
Vs
CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated May 21, 2021 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 11, 2021, responded to the application filed by the appellant. The appellant filed an appeal dated June 16, 2021, against the said response dated June 11, 2021. 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 May 21, 2021, sought the following information:

“How much charge a client account is charged, for each sale and purchase of stock exchange listed company share by 1. NSDL 2. CDSL.”
3. The respondent, in response to the query, provided information regarding the relevant clauses of the Master Circular (reference no. SEBI/HO/MRD2/DDAP/CIRP/P/2021/18 dated February 05, 2021) dealing with Fees / Charges/ Tariff. The respondent also informed that Point Number 1.8.6 of the said Master Circular mentions about the dissemination of tariff/charge structure of DPs on the website of the depositories. The respondent also provided the link for accessing the Master Circular on the SEBI website. The appellant was also advised to access the websites of NSDL and CDSL for specific information as sought in the query.

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*, stated that SEBI should provide the charges of NSDL for each equity sale transaction, for clarity.
5. I have perused the queries and the response provided thereto. I note that the respondent has clearly informed regarding the Master Circular which deals with the dissemination of tariff/charge structure of DPs on the website of the depositories. On consideration, I find that the requested information is available in the public domain and the same can be accessed by the appellant. In this context, 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.*” Similar observations were made by this forum in the matter of *Nirali Mehta vs. CPIO, SEBI* (October 15, 2018). In view of these observations, I find that the respondent cannot be obliged to provide a response to such request for information, as made by the appellant through his application.
6. Notwithstanding the same, I note that the respondent has guided the appellant to access the websites of NSDL and CDSL for seeking specific information regarding tariff/charge. The respondent has adequately addressed the query by providing the information available with him. Accordingly, I do not find any deficiency in the response.
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: July 15, 2021

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