

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

Appeal No. 4377 of 2021

Nitin Goel	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated June 07, 2021 (received by SEBI on June 09, 2021) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 29, 2021 responded to the application filed by the appellant. The appellant filed an appeal dated July 19, 2021 (received by the Office of Appellate Authority on July 23, 2021), against the said response dated June 29, 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 June 07, 2021, sought the following information regarding the following:

“A-1) Copy of procedure to be followed by DP to transfer the suspended Shares by “off Market Trade” to the willing buyer because the DP says that computer is not catching the suspended ISIN Number.

A-2) I ask about 2 companies whos ISIN No. are showing as suspended.

Please supply copy of document to

- *Off market transfer the another Demat account*
- *Close the Demat account as we are incurring maintenance charges on the account*
- *Re-materialise the shares and hold in physical form.”*

3. The respondent, in response to query numbers A1 and A2, informed that the same are not clear and specific and are in the nature of seeking clarification. Accordingly, the same cannot be construed as seeking “information”, as defined under Section 2(f) of the RTI Act. However, the respondent informed that the norms governing the Depository Participants (DPs) are stipulated in SEBI website under Regulations/Master Circulars. It was also informed that the same is available in the website of the

respective Depositories. Further, the web-links for accessing the said SEBI Regulations/Master Circular was also provided.

4. **The Ground of appeal:** On perusal of the application, it appears that the appellant is not satisfied with the response provided by the respondent. The appellant, in his appeal, submitted that the requested information is not supplied. The appellant also alleged that the impugned order does not disclose the designation of the respondent.
5. **Query number A1-** On plain reading of query number A1, I find that the same is vague and not clear. 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. Accordingly, I do not find any deficiency in the response.
6. Notwithstanding the above, I note that the respondent has guided the appellant to access the relevant norms/Master Circular governing the Depository Participants (DPs). In view of the same, I find that no further intervention of this forum is warranted at this stage.
7. **Query number A2-** I have perused the query. With respect to the query seeking "document to 'Off market transfer the another Demat account', I find that the same is vague and not clear. Further, it is difficult to ascertain what exact information has been sought by the appellant. I find that the respondent is not obliged to provide a response to such vague query.
8. With respect to the query seeking document to "Close the Demat account as we are incurring maintenance charges on the account" and "Re-materialise the shares and hold in physical form", I find that the respondent has guided the appellant to access the relevant information available on the websites of SEBI/ Depositories, which is available in public domain. 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." 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. Notwithstanding the same, I note that the respondent has adequately addressed the query by providing the information available with him. Accordingly, I do not find any deficiency in the response.

9. Further, I note that the appellant, in his appeal, submitted that the designation of the respondent has not been indicated in the response. On perusal of the response, I find that the same has been duly signed. I also find that the relevant information regarding the respondent has been mentioned in the said response. Further, it is understood that the necessary disclosures regarding the name, designation and other particulars of the respondent, has been made on the SEBI website in compliance with Section 4(1)(b) of the RTI Act and the same is in public domain. Hence, I do not find any merit in the contention raised by the appellant.
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

ANAND BAIWAR

Date: August 13, 2021

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