

**BEFORE THE APPELLATE AUTHORITY**  
**(Under the Right to Information Act, 2005)**  
**SECURITIES AND EXCHANGE BOARD OF INDIA**  
**Appeal No. 1022 of 2010**

Paul Seelan : Appellant  
Vs.  
CPIO, SEBI, Mumbai : Respondent

**ORDER**

1. The appellant had filed applications dated October 01, 2010 under the Right to Information Act, 2005 (RTI Act) to SEBI as well as Ministry of Corporate Affairs (MCA). The application received at MCA has been forwarded to SEBI. The respondent, vide letters dated October 28, 2010 and October 29, 2010, responded to the appellant. Aggrieved by the said response, the appellant has filed this appeal dated November 10, 2010.

2. I have carefully examined the applications, the responses and the appeal and find that the matter can be decided on merit based on the material available on record.

3. In his application dated October 01, 2010, the appellant had sought certain details of shares of ITC Ltd. emanating from a shareholder, Mr. A. Anthonyswamy, the details of relevant shares transacted between 1978 to the date of application, details of dividends paid and obtained by the shareholder, list of all shares/dividends transacted from January 2008 (i.e. after the decease of the said shareholder) etc. from ITC Ltd. through the respondent. In his other application dated October 01, 2010, the appellant had sought certain details of demat account opened and in operation in the names and account of Mr. Antoniswamy and Mrs. Sandanammal. In response to both of these applications of the appellant, the respondent provided identical response vide letter dated October 28, 2010 and October 29, 2010 stating that the information sought by the appellant was not available with SEBI. As a matter of procedure, it informed the appellant that appeals can be filed before the Appellate Authority (AA) if he is not satisfied with the responses of the respondent. The appellant misunderstood this statement and submitted this appeal stating that the respondent and MCA forwarded his information requests to this AA. This is not correct. The respondent has not forwarded the information requests of the appellant to this AA. It only advised the appellant to file first appeals if he is aggrieved by the responses of the respondent. The first

appeal can be filed under section 19 of the RTI before the first appellate authority when the information seeker does not receive any decision within the time specified in section 7(1) or if the information seeker is aggrieved from the quantum of cost demanded for furnishing of information under section 7(3)(a) of the RTI Act or against the decision of the respondent. If the appellant wants to challenge the decision of the respondent, he ought to bring up specific deficiency or grounds of appeal for the consideration of the AA. In this case, the appellant has not done so.

4. Notwithstanding to the above, I agree with the respondent. The respondent is only expected to see that the information to be furnished to an applicant is the one which exists with the public authority when it receives an application under the RTI Act. I find that the information sought by the appellant is not available with SEBI. Nor did it access such information for its normal regulatory purposes. The respondent can't be obliged to collect or create such information from a listed company like ITC Ltd., as agreed to by the Hon'ble CIC in the matter of Shri K. Viswanathan Vs. SEBI (CIC/AT/A/2009/000351 – Order dated June19, 2009).

5. In view of the above, there is no need to interfere with the decision of the respondent. The appeal is accordingly dismissed.

**Place: Mumbai**  
**Date: December 3, 2010**

**PRASHANT SARAN**  
**APPELLATE AUTHORITY**  
**SECURITIES AND EXCHANGE BOARD OF INDIA**