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

Appeal No. 5925 of 2024

Sapan Srivastava	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated January 29, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated February 8, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00031) dated February 23, 2024. 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. **Ground of Appeal** - The appellant has filed the appeal on the ground that he has been refused access to information requested. The appellant, in his appeal has mainly raised dissatisfaction with respect to the reply to request no. 2 of his application

3. **Requests no. 2 of the application** - The appellant, vide request no. 2 of his application dated January 29, 2024, sought the following information regarding the HDFC Bank and HDFC Ltd. merger:

   "2. Copy of SEBI Observation / comment about this merger."

4. **Reply of the Respondent** - The respondent in response to the aforesaid request informed that SEBI comments are contained in the BSE and NSE observation letters issued with respect to draft schemes of arrangement. The respondent also provided the relevant link to access the said observation letters of the exchanges.

5. I have perused the request and the response provided thereto. I note that the respondent has categorically informed that SEBI's comments regarding the merger are contained in the observation letters issued by BSE and NSE, which are available in public domain on the respective exchange's

website. I note that the respondent has also provided the specific links to access the said information and the said links are active. I note that the appellant in his appeal has submitted that the respondent in his reply has directed him to refer to third party private company website which is not covered under RTI Act, 2005. In this context, I note that Hon'ble Central Information Commission (hereinafter referred to as "**CIC**") in *Shri K Lall vs. Shri M K Bagri* (CIC/AT/A/2007/00112, order dated April 12, 2007) held 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."* On consideration, I find that the information sought is in public domain. Further, reliance is placed on Hon'ble CIC order dated December 22, 2022, in the matter of *Kul Bhushan Jain vs. CPIO, SEBI*, wherein it was observed that "*The Commission noted that the reply given by the CPIO was appropriate as he first quoted the relevant notifications with their dates -8th June2018 and 30th November 2018. He also informed the appellant that these gazette notification are available on the SEBI website. A link was also given to access the same. The FAA quoted certain court rulings which state that once the information is available on a website, it is in public domain and no longer held or under the control of the public authority. The FAA had also stated that the link was provided to access the information and the link is active. The same was reiterated vide the written submissions dated 16.2.2022 which was also endorsed to the appellant. The Commission is in agreement with the submissions advanced by the Representative of the CPIO. From the submissions, it is abundantly clear that the information is available on the given website and hyper link..... Therefore, no further action is warranted in the present case."* In view of these observations, I find that the respondent cannot be obliged to provide information, which is already available in the public domain.

6. 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: March 7, 2024

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