

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

Appeal No. 5819 of 2023

R. Mahendra Prabhu	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated August 23, 2023 (received by SEBI on August 26, 2023) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated September 20, 2023, responded to the application filed by the appellant. The appellant filed an appeal dated September 28, 2023 (received by the Office of Appellate Authority on October 06, 2023). I have perused the application, the response of the respondent 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, in his application dated August 23, 2023, *inter alia*, sought investment details viz. share details, mutual funds, term deposits, bonds, etc. pertaining to his late father.
3. The respondent, in response to the query, vide letter dated September 20, 2023, informed that the information sought, is not maintained by SEBI in normal course of regulation of securities market. Hence, the same is not available with SEBI.
4. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent. The appellant, in his appeal, *inter alia*, submitted “...*is there any other special course? Do inform me. I need father’s share details... Please, give me the details of shares in listed companies purchased by my father.*”
5. I note that the respondent has categorically stated that the requested information is not available with SEBI. I note that the respondent can only provide information that is available in the records. In this context, I note that the Hon’ble Central Information Commission (hereinafter referred to as “**CIC**”), in the matter of *Lakshminarayanan R vs. SEBI* (order dated February 09, 2023) observed that “*Keeping in*

view the facts of the case, the Commission observed that the information sought by the appellant regarding Central Depository Services Ltd. was not maintained by the respondent authority in the normal course of regulation of securities market. It is an established law that the information sought for in order to be disclosable under the RTI Act, 2005 must be existent and available in the records..... In the instant case, the desired information was not available in the records of the respondent authority...” In view of these observations, I do not find any deficiency in the response of the respondent.

6. On perusal of the appeal, I note that the appellant's submissions are in the nature of seeking guidance. In this context, I note that the Hon'ble Supreme Court of India in the matter of *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors* (Judgment dated August 9, 2011), *inter alia* held: "*A public authority is "...not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant. The reference to 'opinion' or 'advice' in the definition of 'information' in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provided advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act"*
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: October 31, 2023

B RAJENDRAN

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