

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

Appeal No. 5823 of 2023

Ninad Vinayak Kulkarni	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated September 5, 2023 (received by SEBI on September 15, 2023) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated October 03, 2023, responded to the application filed by the appellant. The appellant filed an appeal dated October 08, 2023 (received by the Office of Appellate Authority on October 12, 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. **Request in the application-** The appellant, in his application dated September 5, 2023 sought the following information:

“Xerox papers are attached and would like to get the information and the process how Khushal S Dingankar name is added in the shares of Late Vasantrao C. Digankar as I am also legal heir and grandson of Late Vasantrao C. Digankar as Khushal S Dingankar is. For your information, communication with Karvy and Succession court order is attached with this application. So request to provide me the information and help me in this matter.”
3. The respondent, in response to the request, vide letter dated October 3, 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 and is *inter alia*, seeking the same information as sought in his application.

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. 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: November 2, 2023

B RAJENDRAN

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