

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

Appeal No. 5682 of 2023

Sudhir Vishwanath Ruia	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated April 15, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated May 9, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00102) dated May 20, 2023. 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 April 15, 2023, sought the following information:

I am having a joint demat account with HDFC Bank DP ID IN 30...1 Client ID 28.....8 and registered mobile number for demat account was 93.....41. But in June or July 2020 the above mobile number was changed by HDFC bank at Ghoddod Road Surat branch without my any written consent and knowledge and many shares were transferred to some other demat account in July 2020 without my consent and knowledge. inspite of many request HDFC bank is not providing me forms, papers, documents etc for changing the registered mobile. Please tell HDFC bank to give me all details, information, forms, papers, documents, forms as mentioned below under Right to Information Act at my address Sudhir Vishwanath Ruia D-1009, Shripal Residency, Near Corner Point Shopping Centre, Citylight, Surat 395007.

1) Please give me full details of date (in June or July 2020) on which HDFC bank has received the request to change registered mobile number of demat account.

2) Please give full details including name of joint holders who were personally present with their original id proof to verify themselves before bank officer and signed all the forms, papers, documents to change the registered mobile number of demat account in front of bank officer.

3) Please also provide HDFC bank officers name and designation in whose presence joint holders had signed and verified themselves.

4) Please provide full details whether Bank officer had personally verified or not all joint holders were personally present or not with their original id proof.

5) Please provide copy of all forms, documents, papers, id proof submitted to HDFC bank to change the registered mobile number of demat account.

6) Please provide copy of all forms, documents, papers and demat transfer slip submitted to HDFC bank to transfer shares to other demat account in july 2020.

3. The respondent, in response to the queries, informed that the information sought by the appellant is not maintained by SEBI in the normal course of regulation of securities market. Hence, the same is not available with SEBI. Further, the respondent informed that the information sought is in the nature of grievance and that taking action or resolution of grievance does not come under the purview of the RTI Act. Therefore, the same does not qualify as “information” under provisions of section 2(f) of the RTI Act. The respondent also provided information regarding lodging of grievance on the SCORES portal of SEBI and tracking the status of the same. Further, the respondent provided the toll free helpline numbers launched by SEBI to facilitate replies to various queries of the general public on matters related to securities market. Further, the appellant was advised to refer to the FAQs on “Investor Grievances-SCORES”, available on the SEBI website. The respondent also provided the link for accessing the said FAQs.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused. The appellant, in his appeal, *inter alia*, submitted that HDFC Bank is an intermediary providing securities transaction services to customers and the same is regulated by SEBI. The appellant also requested to provide all the information sought by him. Further, the appellant also mentioned that he had neither sought information in the nature of grievance nor asked to take any certain action.
5. I have perused the query and the response provided thereto. I find that the respondent has categorically informed that the requested information is not maintained by SEBI in the normal course of regulation of securities market. I note that the requested information is not available on record. In this context, I note

that the Hon'ble 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. The CPIO in his reply and written submissions has also sufficiently explained the reason for denial of information in the present case. Therefore, the denial is justified and upheld accordingly.”* In view of these observations, I do not find any deficiency in the response.

6. Further, I note that the respondent has guided the appellant to refer to the SCORES website for lodging his grievance, if any, and also provided helpline service numbers launched by SEBI, to facilitate replies to various queries of the general public on matters relating to securities market. In view of the same, I find that no further intervention is warranted at this stage.
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: June 19, 2023

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