

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

Appeal No. 5555 of 2023

Arunachalam R	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated December 10, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated December 27, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00003) dated January 03, 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 December 10, 2022, sought the following information:

“With refer to my PhD study, I want to know the information about total number of investors / folios invested in Passive Funds (Index Funds, Exchange Traded Funds) with state wise (geographical classification). This state wise (geographical classification) is available only for Asset Under Management (AUM - Rupees in Crores). I request to provide me with the details of total number of investors / folios as per state wise (geographical classification)”
3. The respondent, in response to the aforesaid application, informed that the information sought is not maintained by SEBI in the normal course of regulation of securities market. Hence, the same is not available with SEBI. However, the respondent informed that other data related to mutual fund investments is available on the SEBI website under the heading ‘Report and Statistics’. The respondent also provided the link for accessing the same.
4. **Ground of appeal-** The appellant, in his appeal, *inter alia*, submitted that the data is not updated on the link provided by the respondent. Further, the appellant also requested to inform the relevant apex body and public authority who is handling the information/able to provide the requested information.

5. I have perused the query and the response provided thereto. On consideration, I do not find any reason to disbelieve the response of the respondent that the requested information is not maintained by SEBI in the normal course of regulation of securities market. In this context, I note that the Hon'ble CIC, in the matter of *Mrigesh Manubhai Thakkar vs. SEBI* (order dated December 28, 2016) observed that "*The Commission observes that the respondents can provide only that information which is existing and available with them and the RTI Act does not mandate it for the respondent authority to create information if it is not collected and collated in the normal course of their duties. The Commission, therefore, does not find any need to intervene in the matter. The appeal is disposed of.*" In view of these observations, I do not find any deficiency in the response.
6. Notwithstanding the above, the note that the respondent has guided the appellant to access the information relating to mutual fund investments that is available on the SEBI website. In my view, the respondent has adequately dealt with the application by providing the information available with him. Accordingly, 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: January 31, 2023

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