

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

Appeal No.5840 of 2023

Pradeep Singh Rajput : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated October 12, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (hereinafter referred to as “**RTI Act**”). The respondent, by a letter dated October 25, 2023 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00231) dated October 30, 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. **Requests in the application** - The appellant, vide his application dated October 12, 2023 sought the following information:

“SEBI is controlling authority of HDFC Securities Ltd. So please arrange follows information

1. *HDFC Securities Limited , M.P. Working in Khargone cluster under Indore region of Pooja Rathore (EMPLOYEE ID NO-5....38, PAN NODM.....0R Aadhar No.5807.....93) D/O Shri Rajendra Singh Rathore ,Address-..., IN HDFC Securities Date of appointment and DESIGNATION of Pooja Rathore Please provide information related to.*
2. *Salary received by Pooja Rathore every month from January 2023 to September 2023 With INCENTIVE Amount.*
3. *Pooja Rathore salary Account – 5010.....71, subsidiary company of HDFC Securities, HDFC BANK KHARGONE Branch, IFSC - HDFC0000920, Please provide 01 year statement of this Account NO.”*

3. **Reply of the Respondent** - The respondent, in response to the request, 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-** The appellant has filed the appeal on the ground that information provided was incomplete, misleading or false information.
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...*" The appellant in support of his appeal has enclosed a CIC order *inter alia* on the issue of providing PF/ salary details of spouse under RTI Act from EPFO. I note that the facts of the said case are distinguishable from the instant case. 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

B RAJENDRAN

Date: November 20, 2023

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