

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

Appeal No. 6344 of 2025

Piyush Maheshwari : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated February 18, 2025 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 18, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00058) dated March 19, 2025. 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, in his application dated February 18, 2025, sought the following information:

“ I Piyush Maheshwari a resident of am filing this RTI application under the Right to Information Act 2005 seeking information regarding Bharat Gold Depository Limited BGDL Please provide the following details

1 Company Registration and Legitimacy Is BGDL registered with SEBI If yes provide details of its registration number approval date and regulatory status

2 Regulatory Compliance Has BGDL complied with SEBI regulations related to investment trading or gold deposits Has SEBI issued any warnings notices or penalties against BGDL

3 Investor Protection and Complaints How many complaints have been received by SEBI against BGDL What actions have been taken by SEBI regarding these complaints

4 Refund and Investigation Is SEBI conducting any investigation against BGD. If any refunds or legal actions are being taken provide details

5 Government and Legal Actions Has SEBI coordinated with any other government agencies like RBI ED or MCA regarding BGD. Are there any pending cases or orders against BGD.

I have attached the required RTI fee of Rs 10 via Indian Postal Order IPO or Demand Draft DD as per the RTI Act 2005. Please provide the requested information within the stipulated time.”

3. **Reply of the Respondent** - The respondent, in response to queries in the application, informed that the information sought by the appellant is in the nature of seeking clarification/ opinion. Accordingly, the same cannot be construed as “Information”, as defined u/s 2(f) of the RTI Act. The respondent also informed that as Bharat Gold Depository Limited is not registered with SEBI and hence, the information sought by him is not available with SEBI.
4. **Ground of appeal** – The appellant has filed the appeal on the ground that he was refused access to the information requested. Further, appellant, in his appeal, has submitted that the information requested by him relates to Bharat Global Developers Ltd and the response provided by the respondent relates to Bharat Gold Depository Ltd.
5. I have perused the application and the response provided thereto. On consideration, I observe that Bharat Gold Depository Limited (BGDL) is not registered with SEBI and hence, the information sought by the appellant is not available with SEBI. I note that the respondent can only provide the information that is available in the records. In this context, I note that the Hon’ble Supreme Court of India in *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors* (Judgment dated August 9, 2011) held that “The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of ‘information’ and ‘right to information’ under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant.” Further, I note that the Hon’ble Central Information Commission (hereinafter referred to as “CIC”) in the matter of *Sh. Pattipati Rama Murthy vs. CPIO, SEBI* (Decision dated July 8, 2013), held: “... if it (SEBI) does not have any such information in its possession, the CPIO cannot obviously invent one for the benefit of the Appellant. There is simply no information to be given.” I note that

appellant, in his appeal, has submitted that his application relates to Bharat Global Developers Ltd and the response provided by the respondent relates to Bharat Gold Depository Ltd. However, I note that appellant, in his application, has clearly sought information relating to only Bharat Gold Depository Ltd from the respondent. I find that the appellant at the appeal stage cannot seek information pertaining to Bharat Global Developers Ltd as the said information was not sought in his application filed with the respondent. As held by Hon'ble CIC in *Harish Prasad Divedi vs. Bharat Petroleum Corporation Limited* (decided on January 28, 2014), an information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. Accordingly, I find that the said submissions do not warrant consideration at this stage.

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: April 04, 2025

RUCHI CHOJER

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