

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

**Appeal No. 5714 of 2023**

|                    |   |            |
|--------------------|---|------------|
| Sidhesh            | : | Appellant  |
| Vs                 |   |            |
| CPIO, SEBI, Mumbai | : | Respondent |

**ORDER**

1. The appellant had filed an application dated April 20, 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 17, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00130) dated June 14, 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 20, 2023, sought the following information:

*“SEBI has reports of revenue, customer base and volume by brokers. Please provide the data for the FY 2021-22 and 2022-23 1. The Count of customers by broker 2. Volume of trade, value of trade by broker for the above financial years 3. The above to be provided based on category of trade being spot, F&O, commodities, currency etc.”*
3. The respondent, in response to the aforesaid query, 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.
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 SEBI is responsible for all such activities including the activities of its delegated bodies. The appellant also requested to obtain the information from NSE.

5. I have perused the queries of the appellant regarding the revenue, customer base and volume by brokers. 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. 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.*" I note that the requested information is not available with the respondent. In view of these observations, I do not find any deficiency in the response.
6. Further, I note that the appellant, in his appeal, requested to obtain the information from NSE and provide the same to the appellant. The respondent has categorically stated in his response that the information sought was not available with SEBI. I note that the respondent is expected to provide only that information which exists with the public authority when it receives an application under the RTI Act. Accordingly, the respondent is not required to obtain such information for the sole purpose of providing the same to an applicant under the RTI Act.
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: July 13, 2023

**B RAJENDRAN**

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