

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

Appeal No. 6254 of 2025

Vishnu Kumar Raj : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated November 25, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated December 06, 2024, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00295) dated December 11, 2024. 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 November 25, 2024, sought the following information:

“Dear Sir/Madam, I am writing this application under the provisions of the Right to Information (RTI) Act, to seek information regarding the rules, regulations, and compliance requirements for raising capital or donations/support for startups through crowdfunding campaigns in India and from outside India. Kindly provide the information requested below:

1. Rules and Regulations:

- a. *What are the rules and regulations for raising capital through crowdfunding for startups or businesses in India?*
- b. *What are the compliance requirements for startups intending to launch crowdfunding campaigns in India or internationally?*
- c. *Are there specific guidelines for cross-border crowdfunding campaigns by Indian startups?*

2. *Types of Crowdfunding Campaigns:*

- a. What kinds of crowdfunding campaigns are allowed for startups or businesses in India (e.g., equity-based, reward-based, donation-based, etc.)?*
- b. Are donation-based or support-contribution crowdfunding campaigns permitted for startups or businesses if no equity, securities, or tangible rewards are offered to backers/contributors in India or abroad?*
- c. If equity or donation/support/reward-based crowdfunding is allowed, what are the applicable legal and tax-related compliance requirements for the startup and contributors?*

3. *Regulatory Authority:*

- a. Which regulatory bodies govern crowdfunding activities in India?*
- b. Are there specific approvals or registrations required before launching a crowdfunding campaign?*

4. *General Dos and Donts:*

- a. Provide a list of dos and donts for startups raising capital through crowdfunding.*
- b. Specify any penalties or legal actions applicable for non-compliance with crowdfunding regulations in India.*

5. *Additional Information:*

- a. Are there any restrictions or limitations on the maximum amount of capital a startup can raise through crowdfunding campaigns in India?*
- b. Can a profit-making company (not registered as a nonprofit organization) raise capital through crowdfunding in India or from abroad?*

Kindly provide detailed information, including references to the relevant sections of applicable laws, rules, or notifications. If the requested information pertains to different departments or authorities, kindly transfer the application to the concerned department(s)."

- 3. **Reply of the Respondent** - The respondent, in response to queries in the application, informed that the queries do not pertain to SEBI and hence, the information sought is not available with SEBI.
- 4. **Ground of appeal** – The appellant has filed the appeal on the ground that he was provided incomplete, misleading or false information.
- 5. I have perused the application and the response provided thereto. I note that the respondent has categorically stated that the requested information does not pertain to SEBI and hence, 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 *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.*" Accordingly, I do not find any deficiency in the response of the respondent.

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: January 6, 2025

RUCHI CHOJER

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