

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

Appeal No. 6019 of 2024

	:	Appellant
Manoj Kumar Ganeriwala		
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated May 07, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated May 30, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00108) dated May 31, 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. **Requests in the application** - The appellant, vide his application dated May 07, 2024, sought the following information:

“I am a bonafide coparcener of Bishwanath Ganeriwala HUF and one of the sons and natural legal heirs of Late Shri Bishwanath Ganeriwala. The family HUF being Bishwanath Ganeriwala HUF is holding a demat account with a depository participant named Baljit Securities Private Limited having DP ID 12...00 and Client ID 00...89 under depository CDSL. In this context, please let me have the following information
 - a) Please let me know if list of coparceners of HUF needs to be submitted while opening a Demat Account for a HUF.*
 - b) As per the Client Master report available with me, the aforesaid demat account was opened on 15.03.2013. Please let me know if list/ Declaration of coparceners of the HUF have been obtained by the Depository*
 - c) Please let me know if the depository participant is also required to submit this list/Declaration to the respective depository (CDSL Ltd. in this case)*
 - d) Please let me know if a coparcener of a HUF can request the depository participant to provide such a declaration of coparceners as was submitted by the Karta of the HUF during account opening. Is the depository participant bound to share such information with a coparcener of the HUF.*
 - e) Please let me know if a coparcener of a HUF can request the depository to provide such a declaration of coparceners as was submitted by the Karta of the HUF during account opening. Is the depository bound to share such information with a coparcener of the HUF”*
3. **Reply of the Respondent** - The respondent, in response to the aforesaid requests informed that the information sought is in the nature of seeking clarification. Accordingly, the same cannot be construed as

“information”, as defined u/s 2 (f) of the RTI Act, 2005. Further, the respondent 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. The respondent also informed the appellant to refer to frequently asked questions available on SEBI website under the head “Investor Grievances- SCORES”. Additionally, the respondent provided the toll free helpline service numbers launched by SEBI to facilitate replies to various queries of the general public on matters relating to the securities market.

4. **Ground of appeal** - The appellant has filed the appeal on the ground that he has been refused access to information requested.
5. I have perused the requests in the application and the response provided thereto. On consideration, I find that the requests are more in the nature of seeking clarification/ opinion from the respondent. I note that the respondent is not supposed to create information; or to interpret information; or to compile information as per the desire of the appellant under the ambit of the RTI Act. In this context, reliance is placed on matter of *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021), whereby the Hon’ble Central Information Commission observed that “7. *The Commission, after hearing the submissions of both the parties and after perusal of records, observed that some queries of the appellant are in the nature of seeking explanation/ opinion/ advice/ confirmation/ clarification from the CPIO and he has expected that the CPIO firstly should analyze the documents and then provide information to the appellant. But the CPIO is not supposed to create information; or to interpret information; or to compile information as per the desire of the appellant under the ambit of the RTI Act. As per Section 2(f) of the RTI Act, the reasons/ opinions/ advices can only be provided to the applicants if it is available on record of the public authority. The CPIO cannot create information in the manner as sought by the appellant. The CPIO is only a communicator of information based on the records held in the office and hence, he cannot be expected to do research work to deduce anything from the material therein and then supply it to him.*” Accordingly, I do not find any deficiency in the response of the respondent.
6. Further, 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 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.” Accordingly, I do not find any deficiency in the response of the respondent. Notwithstanding the above, I find it pertinent to mention that all the Regulations, circulars, etc. pertaining to Depository Participants (hereinafter referred to as “DP”) are available on SEBI website- www.sebi.gov.in. Further, the appellant may also consider exploring the website of the Depositories for information regarding the relevant compliances and procedures followed by the DPs.

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: June 6, 2024

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