

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

Appeal No. 6264 of 2025

Nitin Goel	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated nil (received by SEBI on August 27, 2024) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated September 09, 2024, responded to the application filed by the appellant. The appellant filed an appeal dated nil (received by the Office of Appellate Authority on December 19, 2024). The appeal was forwarded from Central Assistant Public Information Officer (CAPIO), O/O The Director, Mumbai GPO, Department of Posts, who received it on December 12, 2024. The appeal is being taken up for consideration and disposal today due to personal exigency and intervening holidays.
2. I note that under Section 19(1) of the RTI Act, an aggrieved person may prefer the first appeal within thirty days from the receipt of the response from the CPIO of the concerned public authority. In the instant case, the impugned response from the respondent is dated September 09, 2024. The appellant in his appeal has mentioned that he has received the impugned response on September 20, 2024. The appellant, therefore, should have filed the first appeal on or before expiry of thirty days from the date of receipt of the said response. As noted above, the appellant’s first appeal was received on December 19, 2024. The first appeal has been made after the last date permissible under the RTI Act. The appellant neither made a request for condoning the said delay in filing the appeal nor made any submission explaining the reasons which caused the delay. Considering the absence of a request for condoning the delay and any valid reason that prevented the appellant from filing the appeal in time, I consider this appeal as time barred and hence, liable to be dismissed on that count.
3. Notwithstanding the above observation, I am considering the appeal on merit. I have perused the application and the appeal and find that the matter can be decided based on the material available on record.

4. **Queries in the application-** The appellant, in his application dated nil, sought following information:

A-1) Copy of SEBI Regulations regarding KYC documents required for permanent address and Local/Correspondence address

A-2) Copy of NSDL & CSDL Regulations regarding KYC documents required for permanent address and Local/Correspondence address

B) Copy of “*File Notes, Process and Order Sheet on dealing with this present RTI Application.*”

5. **Reply of the Respondent** - The respondent, in response to the query no. (A-1), informed that appellant can refer to SEBI Master Circular on KYC norms for the Securities Market. The respondent also provided the path/link for accessing the aforementioned Master Circular.

The respondent, in response to query no. (A-2), informed that the query does not pertain to SEBI and hence, no information is available with SEBI.

The respondent, in response to query no. (B), informed that the information sought by the appellant pertains to the internal functioning of SEBI and relates to the systems and procedures followed at SEBI, the disclosure of which has no larger public interest

6. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent.
7. I have perused the queries and the response provided thereto. With regard to query no. (A-1), I note that the respondent has adequately addressed the query by providing the information available with him. Accordingly, I do not find any deficiency in the response of the respondent.
8. With regard to query no. (A-2), I note that appellant has sought information on regulations of CDSL and NSDL. 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 do not have any reasons to disbelieve the response of the respondent. 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. CPIO, SEBI* (Decision dated February 09, 2023), held: “... *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..*” Accordingly, I do not find any deficiency in the response of the respondent.

9. With regard to query no. (B), I note that appellant has denied the information without invoking any specific exemptions/provisions of the RTI Act. Therefore, I find that the aforementioned query is not adequately addressed and therefore, warrants reconsideration.
10. Further, on perusal of the appeal, it appears that the appellant requested to initiate penal action against the respondent under the RTI Act. Further, the appellant also requested to grant him costs/ special costs and exemplary costs. In this regard, I note that as per Section 20(1) and 20(2) of the RTI Act, the Central Information Commission or the State Information Commission has the powers to impose a penalty or recommend disciplinary action against the Central Public Information Officer or the State Public Information Officer, respectively while deciding on a complaint or a second appeal. Hence, I find that these requests are beyond the purview of the First Appellate Authority, SEBI.
11. Considering the above observations, I remit the application to the respondent for *de novo* consideration of query no. (B) of the application and sending appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.
12. The appeal is accordingly disposed of.

Place: Mumbai
Date: January 20, 2025

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