

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

Appeal No. 5510 of 2022

Sudhakar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated November 02, 2022 (transferred from IRDA and received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated November 28, 2022 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00656) dated November 28, 2022. 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. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused. On perusal of the application, I find that the same was transferred by IRDA for specifically providing reply to query number 3 as the same pertains to the Mutual Funds. In view of the same, I am only dealing with the said query in this order.
3. **Query number 3-** The appellant, vide query number 3 of application dated November 02, 2022, sought the following information:

“3. For Mutual funds as per existing Indian law who is the ultimate owner for amount settled by the fund house to the nominee at the event of death of the unit holder if he dies intestate, nominee or legal heirs who is ultimate owner for that amount and nominee is also a one legal heir for the deceased person.”
4. The respondent, in response to the aforesaid query, informed that the reply to the query had already been provided by SEBI vide letter no. CPIO/NS/2735 & 2777/2022-23 dated November 10, 2022. The respondent, also provided copy of the said letter along with his response dated November 28, 2022. The appellant, in his appeal, submitted that his query has not been answered properly.

5. I have perused the query and the response provided thereto. I note that identical query was raised by the appellant vide application dated October 25, 2022. In response to the same, the respondent had informed that the query was in the nature of seeking clarification/opinion and accordingly, the same could not be construed as seeking “information”, as defined under section 2(f) of the RTI Act. However, the respondent had advised the appellant to refer to the provisions of the SEBI (Mutual Funds) Regulations, 1996 and the Circulars issued by SEBI regarding requirements of nominations. The respondent also provided the links for accessing the said Regulations and SEBI Circulars available on the SEBI website. I note that the same issue has already been decided upon by this forum in the order dated December 07, 2022 passed in Appeal No. 5484 of 2022 (Sudhakar vs. CPIO, SEBI). In the said order, this forum had agreed with the response provided by the respondent and dismissed the appeal. In view of the same, I find that the query number 3 of the application dated November 02, 2022 does not warrant reconsideration 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: December 28, 2022

ANAND BAIWAR

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