

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

Appeal No. 6388 of 2025

M Pradeepkumar : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated April 26, 2025 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated May 05, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00095) dated May 13, 2025. 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, in his application dated April 26 2025, sought the following information:

“A. Is my wife Muthuselvi Duraisamy holding DEMAT Account?

B. If so, how many DEMAT accounts and their details?

C. Is my wife Muthuselvi Duraisamy holding a trading account?

D. If so, how many trading accounts and their details?

E. Has my wife Muthuselvi Duraisamy invested in any Mutual Funds?

F. If so, could you furnish the details of the Mutual Funds?

G. I request to share other information of my wife, Muthuselvi Duraisamy, that pertains to shares, dividends, capital gains, FDRs, mutual funds, stocks, debentures, etc.”

3. **Reply of the Respondent** –The respondent, in response to query nos. A to G in the application, 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.
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. On consideration, I note that the respondent has categorically stated that the requested information is not maintained by SEBI in normal course of regulation of securities markets 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 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.”* I also note that the Hon’ble Central Information Commission (hereinafter referred to as “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 Hon’ble CIC in its decision in *Shri Shailesh Gandhi vs. SEBI* (Date of Decision: February 22, 2017), held that: *“If the SEBI does not have the desired information in its possession, we do not think that it is a part of its duty to access this information from the National Stock Exchange only to provide to the appellant under the Right to Information Act, 2005.”* Accordingly, I do not find any deficiency in the response of the respondent.

6. Further, the appellant, in his appeal, has requested to transfer the relevant parts of his RTI application to depositories, asset management companies (**AMC's**) and their registrars and transfer agents (**RTA's**) under Section 6(3) of the RTI Act. In this regard, I note that aforementioned entities are private entities and are not “public authority” within the meaning under section 2(h) of the RTI Act. Hence, the same would not fall within the purview of the said Act. On the context of applicability of the RTI Act to depositories, I note that Hon’ble CIC in its decisions in *Mr. Nayan Bhagvat Prasad Raval vs. CPIO, CDSL* (Date of Decision: 20.02.2017) and *R.J. Uttamchandani Vs National Securities Depository Limited* (Date of Decision:19.06.2009) has observed that CDSL and NSDL, respectively, are not “public authority” within the meaning under section 2(h) of the RTI Act. Accordingly, I find that no further intervention of this forum is necessary in this regard.
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 09, 2025

RUCHI CHOJER

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