

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

Appeal No. 6821 of 2026

: Appellant
Vs
Santosh Kumar

: Respondent
CPIO, SEBI, Mumbai

ORDER

1. The appellant had filed an application dated March 09, 2026 (received by SEBI through RTI MIS portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated April 02, 2026 responded to the application filed by the appellant. The appellant filed an appeal dated April 02, 2026 (Reg. No. SEBIH/A/E/26/00122). I have perused the application, the response of the respondent 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, sought the following information:

“Under the Right to Information Act, 2005, kindly provide the following information available in SEBI records, inspection reports, exchange submissions, or regulatory correspondence relating to trading in SILVERMIC and SILVERM Futures contracts on Multi Commodity Exchange (MCX) during the period 29 January 2026 to 02 February 2026.

1. Broker-wise details of total number of retail investors whose SILVERMIC and SILVERM Futures positions were squared off by brokers due to margin shortfall or risk management system (RMS) action on 02 February 2026.

2. Broker-wise quantity of SILVERMIC and SILVERM Futures contracts squared off on the said date due to margin shortfall or RMS action.

3. Whether SEBI recorded any unusual increase in broker-initiated square-offs in SILVERMIC and SILVERM Futures contracts during 02 February 2026. If yes, kindly provide copies of relevant reports, communications, or internal notes.

4. *The margin requirement (initial margin, exposure margin, and any additional margin) applicable to SILVERMIC and SILVERM Futures contracts during the above period.*

5. *Whether any sudden increase in margin requirement was implemented by the exchange during late trading hours on 29 or 30 January 2026. If yes, kindly provide copies of the relevant circulars or notifications.*

6. *Whether SEBI has received complaints from investors regarding forced square-off or margin shortfall related liquidation of Silver Futures positions during the above period. If yes, kindly provide: a) Total number of complaints received b) Broker-wise breakup of complaints. Information above may please be provided in the format attached.*

7. *Whether SEBI has initiated any inquiry, inspection, or investigation against any broker or exchange member relating to forced square-off of SILVERMIC and SILVERM Futures contracts during the above period.*

8. *Kindly provide copies of SEBI circulars or guidelines governing broker risk management practices and square off of client positions due to margin shortfall in commodity derivatives. I request that the information be provided in electronic form (PDF)."*

3. **Reply of the Respondent** –The respondent, in response to query nos. 1, 2, 4 and 5, 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, in response to query no. 3, informed that the query 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.

The respondent, in response to query nos. 6 and 7, informed that the queries are in the nature of seeking clarification. Accordingly, the same cannot be construed as "Information", as defined u/s 2(f) of the RTI Act. Further, the respondent informed that SEBI conducts examination and investigations based on the references and alerts received by it. Any investigation is conducted confidentially, as investigations are sensitive in nature. Thus, SEBI will not be able to confirm/ deny the existence or otherwise of any examination/ investigation in the matter for which information has been sought by appellant. However, pursuant to investigation, if any regulatory actions taken by SEBI, the same would be available in public domain on SEBI website.

The respondent, in response to query no. 8, informed that SEBI issues several circulars/guidelines w.r.t exchange traded derivatives from time to time and the same are available on SEBI website and provided the link for accessing SEBI Master Circular for Stock Brokers dated June 17, 2025.

4. **Ground of appeal** – On perusal of the appeal, it appears that the appellant is not satisfied with the response of the respondent.
5. I have perused the queries and the response provided thereto. With regard to query nos. 1, 2, 4 and 5 in the application, I note that the respondent has informed that the requested information is not maintained by SEBI in normal course of regulation of securities market. I note that the respondent can only provide information that is available in the records. In this context, I note that the Hon'ble 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...*”. Accordingly, I do not find any deficiency in the response of respondent.
6. With regard to query nos. 3, 6 and 7 I find that the queries are in the nature of seeking clarification/confirmation from the respondent. I find that the said queries cannot be construed as seeking ‘information’ as defined under section 2(f) of the RTI Act. Consequently, the respondent did not have an obligation to provide such clarification or confirmation under 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) wherein Hon'ble Central Information Commission(**CIC**) 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.
7. Additionally, with regard to query nos. 6 and 7, I note that maintaining confidentiality of examination/investigation is important since reports of the same may result in unwarranted speculation or concern in the market or may affect evidence collection during the examination/investigation or may result in unnecessary harm to third parties. Hence, I find that such information is exempt under section 8(1)(h) of RTI Act.

Further, I note that information regarding any regulatory action taken by SEBI/penalty imposed against entities, will be available on the website of SEBI. The rationale for neither confirming nor denying existence of any examination/investigation was relied upon by SEBI before the Hon'ble CIC in *Arun Damodar Sawant vs CPIO, SEBI* (order dated September 26, 2018 in Appeal No. CIC/SEBIH/A/2017/137139/BJ). The Hon'ble CIC, in the said matter, accepted the submissions and refused to intervene in the response of the CPIO. Similar observations were also made by the Hon'ble CIC, in the matter of *Anju Sharma vs. CPIO, SEBI* (order dated September 28, 2020). In view of these observations, I find that the queries have been adequately addressed and no further interference of this forum is warranted at this stage.

8. With regard to query no.8, the respondent has informed that the circulars/guidelines issued by SEBI are available on SEBI website and hence, are in public domain. In this context, I note that the Hon'ble Delhi High Court in *Registrar of Companies & ors. Vs. Dharmendra Kumar Garg & anr.* and the Hon'ble CIC in *Shri K Lall vs. Shri M K Bagri* (CIC/AT/A/2007/00112, order dated April 12, 2007) held that if the relevant information is available in the public domain, the same cannot be said to be information held by the public authority and consequently there is no obligation to provide such information to an applicant under the RTI Act. Accordingly, I do not find any deficiency in the said response of the respondent.
9. 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: April 29, 2026

RUCHI CHOJER

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