

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

**Appeal No. 6587 of 2025**

Sudhanshu : Appellant  
Vs

CPIO, SEBI, Mumbai : Respondent

**ORDER**

1. The appellant had filed an application dated August 12, 2025 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated September 10, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00270) dated October 06, 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. **Ground of appeal** – The appellant has filed the appeal on the ground that he was refused access to the information requested.
3. **Query nos. 1, 2 and 3 in the application** - The appellant, vide aforesaid queries sought the following information:
  1. *Provide year wise data for the last four financial years from financial year 2020-21 to financial year 2023 -24 on the number of retail traders making net losses in equity cash segment and derivatives F and O*
  2. *Provide year wise data for the last four financial years on the total net loss amount incurred by retail traders*
  3. *Provide year wise percentage of retail traders who were profitable versus loss making*
4. **Reply of the Respondent** –The respondent, in response to query nos. 1-3 in the application, informed that in the studies published by SEBI on F&O, the profits and losses of individual investors category are studied for four financial years (FY22, FY23, FY24 and FY25). Therefore, the respondent informed that SEBI does not have data for a) profits and losses of Individuals in Cash segment and b) profit and losses of individuals in F&O segment for FY21. The respondent also provided the number of individual investors

making losses in equity derivatives segment for the aforementioned financial years. The respondent also informed that for FY22, FY23 and FY24, findings are based on a sample of 113 lakh F&O traders (collected from top 15 brokers), For FY25, findings are based on a sample of 96 lakh F&O traders (collected from top 13 brokers).

5. I have perused the queries and the response provided thereto. With respect to query nos. 1-3, on consideration, I find that the respondent has provided the information available with him along with necessary clarifications in this regard. Accordingly, I do not find any deficiency in the response of the respondent.
6. **Query nos. 4, 8, 9, 10, 12, 13, 14, 16 and 17 in the application** - The appellant, vide aforesaid queries sought the following information:

4. *Provide the rationale and purpose for implementing Static IP restrictions for retail traders using APIs or algo trading platforms*
8. *State whether alternative methods such as device fingerprinting OTP based API access MAC address binding etc were considered and provide reasons for their rejection,*
9. *State whether Static IP service is readily available in Tier 3 cities Tier 4 cities and villages and whether SEBI has conducted any availability or feasibility assessment,*
10. *Has SEBI assessed whether the Static IP requirement could exclude or disadvantage retail traders in Tier 3 Tier 4 cities and villages from participating in the market due to technology or infrastructure limitations and if yes provide a copy of such assessment or report,*
12. *State whether Static IP enables detection of market manipulation in real time as it happens or only after trades are executed*
13. *Provide details of any monetary cost or infrastructure burden that retail traders will bear to comply with the Static IP requirement such as leased lines or business broadband plans,*
14. *Provide details of any impact study conducted by SEBI to assess whether Static IP requirements could reduce retail participation or increase annual losses for small algo traders*
16. *Based on SEBI enforcement experience does Static IP materially assist in preventing manipulative trades before execution or only help in post event investigation,*
17. *State whether there is any regulatory distinction in API based trading compliance between retail traders and institutional clients.*

7. **Reply of the Respondent** –The respondent, in response to query nos. 4, 8, 9, 10, 12, 16 and 17 informed that the queries are in the nature of seeking clarification/opinion. Accordingly, the same cannot be

construed as "information", as defined u/s 2(f) of RTI Act. The respondent, in response to query nos. 13 and 14 informed that the queries are hypothetical in nature and in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act.

8. I have perused the queries and the response provided thereto. On consideration, I find that the queries are in the nature of seeking clarification/opinion 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 opinion under 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 (hereinafter referred to as "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/advice 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.

9. **Query no. 5 in the application** - The appellant, vide aforesaid query sought the following information:

5. Provide details of any internal study risk assessment or incident report that led to the recommendation of Static IP enforcement,

10. **Reply of the Respondent** –The respondent, in response to query no. 5, informed that the information sought is strategic in nature and pertaining to the policy making decisions of SEBI. The disclosure of the information would result in revealing the mind of the regulator and hence hamper the decision making by SEBI in its supervisory and regulatory role. In view of the above, respondent stated that the information sought is exempt u/s 8(1)(a), 8(1)(d) & 8(1)(e) of RTI Act.

11. With respect to query no. 5 in the application, I note that the respondent, in his response, has invoked the provisions of Section 8(1)(a), 8(1)(d) & 8(1)(e) of RTI Act to deny information to the appellant. On consideration, I note that no rationale was furnished by respondent while denying information under section 8(1)(d) & 8(1)(e) of RTI Act. With regard to denial of information under section 8(1)(a) of RTI

Act, I concur with the response of the respondent that the information sought by the appellant appears to be strategic in nature. I note that such strategic information, if disclosed, may hamper SEBI's supervisory and regulatory role. In this context, I note that in *ICAI v. Shaunak H. Satya*, [(2011) 8 SCC 781], the Hon'ble Supreme Court held that: "*The competent authorities under the RTI Act will have to maintain a proper balance so that while achieving transparency, the demand for information does not reach unmanageable proportions affecting other public interests, which include efficient operation of public authorities and the Government, preservation of confidentiality of sensitive information and optimum use of limited fiscal resources.*" In view of these observations, I concur with the response of the respondent that the requested information is exempt from disclosure under section 8(1)(a) of the RTI Act.

12. **Query no. 6 in the application** - The appellant, vide aforesaid query sought the following information:

6. *State the name designation and department of the official or committee that first proposed or initiated the Static IP implementation idea*

13. **Reply of the Respondent** –The respondent, in response to query no. 6, informed that the information sought relates to personal information, the disclosure of which has no relation to any public activity or interest. Hence, the same is exempt u/s 8(1)(g) & 8(1)(j) of RTI Act.
14. I have perused the query and the response provided thereto. With respect to query no. 6, I note that information sought relates to personal information of SEBI officials, the disclosure of which has no relationships to any public activity or interest and may cause unwarranted invasion into the privacy of the individual and may also endanger the life or physical safety to the person. I note that a similar issue was settled in the matter of *H. E. Rajashekarappa vs. State Public Information Officer and Ors.* (Order dated July 01, 2008), wherein the Hon'ble High Court of Karnataka had ruled that: "*... it cannot be said that section 2(f) of the Act (the RTI Act encompasses the personal information of the officials of the public authority. The intention of the legislation is to provide right to information to a citizen pertaining to public affairs of the public authority.*" Further, I note that the Hon'ble CIC in the matter of *Prerit Misra vs. CPIO, SEBI* (order dated November 21, 2022) held that- "*It is pertinent to mention here that the appellant in a similar case which was dealt in File no. CIC/SEBIE/A/2019/660770 dated 10.08.2021 whereby he had sought information regarding the names of the officers who had blocked his email address, the Commission, while passing an order had held that such information is exempted u/s 8(1)(g) & 8(1)(j) of the RTI Act. The Commission after considering the submissions of the appellant finds no merit in his case, and also is in agreement with the order of the FAA and concludes that the information is exempt u/s 8(1)(g) & 8(1)(j) of the RTI Act, hence, no relief can be given.*" In view of these observations, I find that the requested information is exempt from disclosure under sections 8(1)(g) and 8(1)(j) of the RTI Act.

15. **Query no. 7 in the application** - The appellant, vide aforesaid query sought the following information:

*7. Provide details of suggestions objections or feedback received from brokers trading members and the retail community during consultation on Static IP*

16. **Reply of the Respondent** –The respondent, in response to query no. 7, informed that SEBI receives various references from various sources, which may include information amongst matters, other than the subject matter, in the nature of regulatory inputs, which is highly confidential in nature and is available with SEBI under fiduciary capacity. Hence, the same is exempt u/s 8(1)(e) of RTI Act.

17. I have perused the query and the response provided thereto. I note that SEBI, being the regulator of securities market, may seek comments from the public and experts on issues under its consideration. Inputs received, deliberations conducted and identity of persons involved in the process are strategic and confidential in nature. Further, I note that any information relating to the formulation of regulatory policy may also entail an evaluation of various views submitted by concerned/related market participants, stock exchanges, etc. which were intended to be confidential on account of the commercial/trade related aspect involved. I note that any breach of confidentiality, through disclosure of such information available in a fiduciary capacity with SEBI (*reliance placed on the Delhi High Court's Order dated November 30, 2009 in Writ Petition (Civil) Nos. 8396/2009, 16907/2006, 4788/2008, 9914/2009, 6085/2008, 7304/2007, 7930/2009 and 3607 of 2007*) may cause substantial harm to the competitive position of the concerned/related market participants, stock exchanges, etc. as well as affect the regulator's ability to obtain necessary inputs, etc. from such entities in future. Further, the Hon'ble CIC in matter of *Shri Ravi Ramaiya vs. SEBI (Decision dated September 11, 2015)* accepted the contention of SEBI that information received in confidence as part of regulatory process, which is strategic in nature and held in fiduciary capacity is exempt from disclosure under RTI Act, as the same may compromise the regulatory functions of SEBI. In view of these observations, I agree with the response of the respondent that the requested information is exempt from disclosure under section 8(1)(e) of RTI Act. Accordingly, I do not find any deficiency in the response of the respondent.

18. **Query nos. 11 and 15 in the application** - The appellant, vide aforesaid queries sought the following information:

*11. Provide details of any awareness campaigns investor education programmes or outreach initiatives conducted by SEBI regarding Static IP requirements and related technology for retail traders including dates mediums used and target audience*

*15. In SEBI proceedings against Jane Street after a complaint was the firm using Static IP and if yes provide details,*

19. **Reply of the Respondent** –The respondent, in response to query no. 11, informed that the query is vague and not specific. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act. Notwithstanding the aforesaid, the respondent informed that the details of investor awareness programs conducted by SEBI can be accessed from the SEBI annual report

The respondent, in response to query no. 15, informed that the query is vague and is in the nature of seeking clarification/ opinion. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act.

20. With respect to query nos. 11 and 15, I concur with the response of the respondent that the queries are vague and not specific. It is an established law that the information sought for in order to be disclosable under the RTI Act, must be clear, specific and available in the records of the public authority. In this context, I note that in the matter of *Mr. T. V. Sundaresan vs. CPIO, Securities and Exchange Board of India* (Decision dated November 24, 2021), the Hon'ble CIC held: "*The framework of the RTI Act, 2005 expects that the information sought is specific and believed to be existing with the public authority in documented or material form as such; which can be shared with the appellant as per the provisions of the RTI Act. Answering to broad, multiple and general queries and presumptive documents that should have been generated as per the expectation of the appellant cannot be furnished under the provisions of the Act.*" Additionally, I also concur with the response of the respondent that query no. 15 is also in the nature of seeking clarification/opinion. Thus, in light of the decision of CIC in *Azad Singh vs. CPIO, Oriental Insurance Company Limited* (order dated March 23, 2021), cited in preceding paragraphs, the same cannot be construed as information as defined under section 2(f) of RTI Act. Accordingly, I do not find any deficiency in the response of the respondent.
21. 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: November 03, 2025

**RUCHI CHOJER**

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