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

**Appeal No. 7168 of 2026**

| | | |
|---|---|---|
| Ravi | : | Appellant |
| | Vs | |
| CPIO, SEBI, Mumbai | : | Respondent |

**ORDER**

1. The appellant had filed an application dated September 26, 2026 (received by SEBI through RTI MIS portal) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated October 26, 2026, responded to the application filed by the appellant. The appellant filed an appeal dated October 29, 2026 (Reg. No. SEBIH/A/E/26/00412). 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. **Ground of appeal —** The appellant has filed the appeal on the ground that he was provided incomplete, misleading or false information.

3. **Query Nos. 1, 21, 29, 32, 39 and 40 in the application** - The appellant, in his application, sought the following information:

*"The information is sought in relation to the regulatory and supervisory framework governing Algorithmic Trading, High-Frequency Trading ("HFT"), Application Programming Interface ("API") based trading, Direct Market Access ("DMA"), Computer-to-Computer Link ("CTCL"), Co-location/Proximity Hosting and other low-latency/high-speed trading facilities in recognised stock exchanges in India.*
*The information may kindly be provided for the* ***last five financial years and the current financial year up to the latest date for which records are available,*** *unless otherwise specified.*
***INFORMATION SOUGHT***

1. *Kindly provide copies of all presently applicable SEBI circulars, regulations, guidelines, directions, Standard Operating Procedures and other instructions governing:*
   a. *Algorithmic Trading;*
   b. *High-Frequency Trading;*
   c. *API-based trading;*
   d. *Direct Market Access (DMA);*
   e. *CTCL trading;*
   f. *Co-location and proximity hosting; and*
   g. *Low-latency/high-speed access to recognised stock exchanges.*
21. *Kindly provide copies of the regulatory safeguards presently prescribed by SEBI specifically for preventing institutional investors/FPIs/algo traders from obtaining an unfair advantage through superior technological access, latency or order placement speed.*
29. *Kindly provide copies of any communications/directions issued by SEBI to NSE/BSE during the last five years concerning technological advantage, latency advantage, fair access, co-location, algorithmic trading or HFT.*
32. *Kindly provide copies of any cyber/technology audit requirements prescribed for brokers, algo providers, vendors or stock exchanges operating Algorithmic Trading/API systems.*
39. *Kindly provide the designation of the department/division within SEBI primarily responsible for supervision and surveillance of Algorithmic Trading, HFT, DMA and Co-location.*
40. *Kindly provide the names/designations of committees presently responsible for advising SEBI on technological developments concerning algorithmic/HFT trading and market infrastructure.*

4. **Reply of the Respondent** – The respondent, in response to query nos. 1, 21, 29, 32, 39 and 40 in the application, stated that the information sought is publicly available on the SEBI website.

   With regard to query no. 1, the respondent also stated that appellant can refer to SEBI SECC Regulations, 2018 and various SEBI circulars, including SEBI Master Circular for Stock Exchanges and Clearing Corporations dated December 30, 2024. The same can be accessed from SEBI website.

   Additionally, with regard to query no. 32, respondent stated that the relevant SEBI guidelines related to algorithmic trading are available under Chapter 2 of SEBI Master Circular for Stock Exchanges and Clearing Corporations dated December 30, 2024.

5. I have perused the above mentioned queries and the response provided thereto. On consideration, I find that the requested information is available in the 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 Central Information Commission (hereinafter referred to as "**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.

6. **Query nos. 2, 3, 6, 8, 9, 16 to 20, 25, 34 and 35-** The appellant, vide the aforementioned queries, sought the following information –

*2. "Kindly provide year-wise data available with SEBI regarding the percentage/share of total orders and total traded turnover on NSE and BSE generated through:*

*a. Algorithmic trading;*

*b. Co-location facilities;*

*c. DMA; and*

*d. other automated/high-frequency trading systems.*

*3. Kindly provide year-wise data available with SEBI regarding the number and/or percentage of orders and traded turnover attributable to* ***Foreign Portfolio Investors (FPIs)*** *through:*

*a. Algorithmic trading;*

*b. DMA;*

*c. Co-location facilities; and*

*d. other automated/high-speed trading mechanisms.*

*6. Kindly provide records available with SEBI specifying the typical, average, median or measured order-transmission/execution latency, if maintained, separately for:*

*a. Co-location users;*

*b. DMA users;*

*c. Algorithmic/HFT users; and*

*d. ordinary internet/mobile retail investors.*

*8. Kindly provide year-wise aggregate data regarding the number of orders generated, modified and cancelled through algorithmic trading, wherever such information is maintained by or reported to SEBI.*

*9. Kindly provide year-wise aggregate data regarding instances where Algorithmic/HFT trading entities or trading members exceeded prescribed* ***Order-to-Trade Ratio (OTR)*** *limits or attracted charges, penalties, cooling-off measures or other regulatory action.*

16. *Kindly provide copies of inspection reports/audit findings or relevant portions thereof, to the extent disclosable under the RTI Act, concerning compliance by NSE and BSE with SEBI requirements relating to fair and equitable access to trading infrastructure.*
17. *Kindly provide the number of registered trading members/brokers presently authorised/permitted to provide Algorithmic Trading facilities on NSE and BSE.*
18. *Kindly provide the number of trading members/brokers presently authorised/permitted to provide DMA facilities.*
19. *Kindly provide the number of trading members/entities presently availing Co location facilities at NSE and BSE, if such information is maintained by SEBI.*
20. *Kindly provide aggregate information regarding the number of* ***Foreign Portfolio Investors*** *using DMA and/or Co-location facilities, to the extent such data is maintained by or available with SEBI.*
25. *Kindly provide copies of any study/report available with SEBI comparing profits/losses or trading outcomes of retail investors with institutional/algo/HFT participants, if such study has been undertaken.*
34. *Kindly provide copies of any reports/studies/records available with SEBI examining the systemic risk arising from very high-speed automated trading, including sudden volatility, flash events or cascading automated orders.*
35. *Kindly provide copies of records regarding regulatory measures presently in force for automatically stopping/restricting an algorithm where abnormal trading behaviour, excessive orders or market disruption is detected."*

7. **Reply of the Respondent** –The respondent stated that the information sought is not available with SEBI.

8. I have perused the above mentioned queries and the response provided thereto. I note that the respondent has categorically stated that the requested information 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*." Further, I note that the Hon'ble CIC in the matter of *Sh. Pattipati Rama Murthy vs. CPIO, SEBI* (Decision dated July 8, 2013), held: *"… if it (SEBI) does not have any such information in its possession, the CPIO cannot obviously invent one*

*for the benefit of the Appellant. There is simply no information to be given."* Accordingly, I do not find any deficiency in the response of the respondent.

9. **Query nos. 4 and 27 in the application-** The appellant, vide the aforementioned queries, sought the following information: -

> 4. "*Kindly provide copies of any reports, studies, research papers, committee reports, Technical Advisory Committee recommendations, internal assessments or other records available with SEBI examining the impact of Algorithmic Trading/HFT/Co location/DMA upon:*
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> *a. retail investors;*
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> *b. price discovery;*
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> *c. market volatility;*
>
> *d. liquidity;*
>
> *e. market integrity; and*
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> *f. fairness/equality of market access.*
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> 27. *Kindly provide copies of representations, recommendations or reports received by SEBI during the last five years from its Technical Advisory Committee, Secondary Market Advisory Committee, recognised stock exchanges or other expert committees concerning:*
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> *a. HFT;*
>
> *b. Algorithmic Trading;*
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> *c. Co-location;*
>
> *d. DMA;*
>
> *e. API trading;*
>
> *f. latency advantage; and*
>
> *g. protection of retail investors from technological asymmetry.*

10. **Reply of the Respondent** - With regard to query nos. 4 and 27, the respondent informed that the information sought pertains to the internal functioning of SEBI and relates to the systems and procedures followed at SEBI. Further, respondent stated that the said information is strategic in nature, the disclosure of which may hamper the decision-making by SEBI in its supervisory and regulatory role. In view of the same, the information sought is exempt u/s 8(1)(a) of the RTI Act.

11. I have perused the above mentioned queries and the response provided thereto. I note that SEBI being the regulator of securities market issues various circulars/ guidelines etc. for regulating activities in the securities market. SEBI also revisits the prevailing procedures/ systems, *inter alia,* for improving the same or for dealing with emergent situations. In this process, SEBI may seek comments from the public and experts on issues under its consideration. SEBI also receives references from various sources, which may include information in the nature of regulatory inputs. I note that any information relating to the formulation of such regulatory policy may also entail an evaluation of various views submitted by concerned/related market participants which were intended to be confidential on account of the commercial/trade related aspect involved. Disclosure of public comments received by SEBI and documents relating to the deliberations in the process, may reveal issues which are under consideration of SEBI or actions contemplated by SEBI in future, which are strategic in nature and thus would have an impact on the decision making of SEBI in particular. I note that any breach of confidentiality through disclosure of such information, which may be contained in the aforementioned documents, may affect the regulator's ability to obtain necessary inputs, etc. from such entities in future. The aforementioned rationale was also accepted by Hon'ble CIC in the matter of *Praveen Kumar Aggarwal vs. CPIO, SEBI* (Date of decision: 13.03.2024, Second Appeal No. CIC/SEBIH/A/2022/643631). 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)(a) of the RTI Act.

12. **Query no. 31 in the application –** The appellant, vide query no. 31, sought the following information: -

    *31. "Kindly provide copies of any audit framework/checklist/SOP used by SEBI while inspecting or supervising stock exchanges in relation to Algorithmic Trading and Co location facilities."*

13. **Reply of the Respondent** -With regard to query no. 31, the respondent informed that SOP used by SEBI for inspection is strategic in nature, and the disclosure of such strategic and confidential information would affect and compromise the interest of the securities market. Therefore, the information sought by the applicant is exempt u/s 8 (l)(a) of the RTI Act.

14. I have perused the above mentioned query and the response provided thereto. I note that the SOP, checklist etc. sought by the appellant are internal confidential documents and relates to the systems and procedures followed at SEBI. These serve as guidelines for SEBI officers while carrying out inspection and the disclosure of the same, can affect regulatory and supervisory capacity of SEBI. In this regard, reliance is placed on the decision of the Hon'ble CIC in the matter of *Shri Rachit Garg vs. RBI*, (Date of decision:

05th December, 2016), wherein it was held "*As regards information as sought at point 6 i.e. copy of the manual that AFI team of RBI need to follow while doing the AFI of any scheduled banks, which cannot be provided to the appellant under the provisions of Section 8(1)(a) and (d) of the RTI Act, 2005, disclosure of which may affect the economic interest of the country. The Commission upholds the decision of the respondent authority.*" Further, Hon'ble Delhi High Court in its decision in *Harkishandas Nijhawan vs. CPIO, Special Branch of Delhi Police & Anr.* (W.P.(C) 12213/2018, Date of Decision: 15th October, 2024) has ruled that "*The operational manuals detailing sensitive protocols fall within the realm of information that is inherently confidential. The information concerning law enforcement operations, especially those involving national security considerations, falls under the purview of Section 8(1)(a) of RTI Act……In the opinion of the Court, the details contained in the Special Branch Manual, by virtue of their confidential nature, cannot be brought into the public domain. Such procedures, while operational in nature, may also reveal tactical insights into how law enforcement agencies function in sensitive areas, and their disclosure could compromise the integrity of such processes. Given the confidential nature of these procedures, the Court is of the view that Respondent No. 1's reliance on Section 8(1)(a) of the RTI Act is justified. Disclosing such information would not only compromise the functioning of the Special Branch but could also jeopardize ongoing and future investigations*." Therefore, I find that the requested information is exempt under Section 8(1)(a) of RTI Act.

15. **Query nos. 5, 7, 15, 22, 23, 26, 28 & 33 in the application** – The appellant, vide the aforementioned queries in the application, sought the following information-

    5. "*Kindly provide copies of studies/reports/records, if available, examining whether participants using co-location, DMA, HFT or algorithmic systems obtain execution speed or latency advantages over ordinary internet/mobile/manual retail investors.*
    7. *Kindly provide copies of records/studies/technical reports available with SEBI examining whether differences in latency between different categories of market participants have any measurable effect on execution price, order priority, slippage or transaction costs.*
    15. *Kindly provide copies of records, reports, correspondence or directions concerning monitoring undertaken by SEBI to ensure that co-location/DMA/HFT facilities do not create unfair or inequitable access between institutional/algorithmic traders and ordinary retail investors.*
    22. *Kindly provide copies of records specifying whether any maximum* ***orders-per second,*** *message-rate, throttling or similar technological limits are presently prescribed for algorithmic/HFT participants.*
    23. *Kindly provide copies of records specifying whether SEBI or recognised stock exchanges monitor the number of orders placed, modified and cancelled within milliseconds/microseconds by Algorithmic/HFT participants.*

*26. Kindly provide copies of any SEBI study/report examining whether retail investors suffer adverse execution, price impact or other disadvantage attributable to latency differences between retail trading infrastructure and co-located/DMA/HFT infrastructure.*

*28. Kindly provide details of regulatory measures taken during the last five years specifically to create or maintain a* ***level playing field between algorithmic/co located trading and manual/retail trading****.*

*33. Kindly provide information as to whether SEBI maintains data capable of identifying the proportion of Indian market trading volume generated by domestic entities and FPIs respectively through Algorithmic/HFT systems. If such data is maintained, kindly provide the latest available aggregate figures."*

16. **Reply of the Respondent** -With regard to query nos. 5, 7, 15, 22, 23, 26, 28 and 33, the respondent informed that the information sought 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. Additionally, with regard to query nos. 15 and 28, the respondent informed that the said queries are hypothetical in nature.

17. I have perused the above mentioned queries and the response provided thereto. On consideration, I concur with the response of the respondent that the queries are in the nature of seeking clarification. 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 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 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.

18. **Query nos. 10 to 14 & 24**- The appellant, vide the aforementioned queries in the application, sought the following information-

10. *Kindly provide year-wise details of the total amount of penalties/charges imposed for violation of Order-to-Trade Ratio requirements relating to algorithmic trading.*
11. *Kindly provide year-wise number of surveillance alerts generated by SEBI and/or reported by recognised stock exchanges relating to Algorithmic Trading/HFT, including alerts concerning:*
    a. *excessive order placement/cancellation;*
    b. *order flooding;*
    c. *spoofing;*
    d. *layering;*
    e. *manipulative algorithmic strategies;*
    f. *abnormal order-to-trade ratios; and*
    g. *other suspected market manipulation involving automated trading.*
12. *Kindly provide year-wise number of investigations initiated by SEBI concerning suspected misuse of:*
    a. *Algorithmic Trading;*
    b. *High-Frequency Trading;*
    c. *DMA;*
    d. *API-based trading; and*
    e. *Co-location facilities.*
13. *Kindly provide year-wise number of such investigations in which violations were established and number of enforcement/adjudication proceedings initiated.*
14. *Kindly provide copies/list/details of final orders passed by SEBI during the aforesaid period involving violations connected with Algorithmic Trading, HFT, API-based trading, DMA or Co-location.*
24. *Kindly provide copies of records specifying the mechanism presently used by SEBI/stock exchanges to detect spoofing, layering, quote stuffing/order flooding or other manipulative practices involving automated trading systems."*

19. **Reply of the Respondent** -With regard to query nos. 10 to 14 & 24, the respondent stated that the SEBI conducts examinations and investigations confidentially in a holistic manner to examine alleged or suspected violations of laws and Regulations related to the securities market and, if found necessary, further action is taken. As disclosure of details related to the matter may impede the process of investigation or apprehension or prosecution of offenders, the same is exempt from disclosure in terms of Section 8(1)(h) of the RTI Act. In view of the above, disclosure of the said information would result in revealing the mind of the regulator and hence hamper the decision-making by SEBI in its supervisory and regulatory role. The disclosure of such strategic and confidential information would also affect and compromise the interest of the securities market. In view of the above, the information sought is denied. However, post-investigation,

whenever violations are established, appropriate enforcement actions are taken under the provisions of the SEBI Act, 1992, and Regulations framed thereunder, which culminate in the issuance of Orders. These Orders are available in the public domain and can be accessed from the SEBI website.

20. I have perused the query nos. 10, 13 and 14 and the response provided thereto. On consideration, I note that orders issued by SEBI and penalties imposed are available on SEBI website and can be accessed by the appellant. Accordingly, I find that no further intervention of this forum is necessary in this regard.

21. I have perused the query nos. 11, 12 and 24 and the response provided thereto. On consideration, I find that the disclosure of the details sought can impede the process of investigation or apprehension or prosecution of offenders by SEBI. Accordingly, I find that the requested information is exempt under section 8(1)(h) of the RTI Act.

22. **Query no. 30 in the application -** The appellant, vide the aforementioned query in the application, sought the following information-

*"30. Kindly provide year-wise number of investor complaints received by SEBI relating specifically to Algorithmic Trading, API trading, HFT, DMA or Co-location, together with the broad category-wise disposal status"*

23. **Reply of the Respondent** – The respondent informed that the information sought is not maintained by SEBI in the manner/format as specified. Notwithstanding the aforesaid, the respondent stated that appellant can refer to the Chapter — "Protection of the Investor Interests" in SEBI annual report(s), which is available on the SEBI website, regarding SCORES Complaints Data (Category-Wise complaints received, Investor grievances received, disposed and pending, etc.)

24. I have perused the above mentioned query and the response provided thereto. I note that the requested information is not maintained by SEBI in the manner/format as specified. I note that the CPIO is expected to provide information that is available and existing in the records. In this regard, I note that Hon'ble High Court of Delhi in its judgment dated 04.12.2014 in case of *The Registrar, Supreme Court of India vs. Commodore Lokesh K. Batra and Ors.* [W.P.(C) No. 6634/2011] had held*: "11. Insofar as the question of disclosing information that is not available with the public authority is concerned, the law is now well settled that the Act does not enjoin a public authority to create, collect or collate information that is not available with it. There is no obligation on a public authority to process any information in order to create further information as is sought by an applicant*." I note that similar response/submission provided by the respondent was accepted by the Hon'ble CIC in the matter of the *Prateek Tewari v. CPIO, SEBI* (Order dated January 19, 2023) and it was observed that "*In respect to point no.*

*13 the information sought cannot be directed to be disclosed as the same was sought in a particular format and the CPIO submitted that the same is not available in that format*.". In view of these observations, I do not find any deficiency in the response.*'*

25. **Query nos. 36 and 37 in the application** – The appellant, vide the aforementioned queries, sought the following information: -

*36. Kindly provide copies of records specifying whether stock exchanges are required to maintain complete audit trails identifying every algorithm-generated order, including the relevant broker/client/algo identification, time stamp, modification and cancellation.*

*37. Kindly provide copies of records specifying the minimum time resolution/timestamp precision required for recording algorithmic orders and trades and for synchronisation of clocks used by market participants and stock exchanges*

26. **Reply of the Respondent-** The respondent stated that the information sought is not clear and specific. Notwithstanding the aforesaid, the respondent stated that the relevant SEBI guidelines related to algorithmic trading are available under Chapter 2 of SEBI Master Circular for Stock Exchanges and Clearing Corporations dated December 30, 2024.

27. I have perused the above mentioned queries and the response provided thereto. On consideration, I concur with the response of the respondent that the queries are vague and not specific. In this context, I note that Hon'ble CIC in its decision in *Naresh Kadyan vs. CPIO (14.06.2023 - CIC): MANU/CI/0366/2023* has held "*Notwithstanding the aforesaid, the Commission after scrutinizing the contents of RTI Application in question is of the considered view that the queries raised by the Complainant are vague and in determinate which concededly do not conform to Section 2(f) of RTI Act per se. In this regard, the Complainant shall note that the outstretching the interpretation of Section 2(f) of the RTI Act to include deductions and inferences to be drawn by the CPIO is unwarranted as it casts immense pressure on the CPIOs to ensure that they provide the correct deduction/inference to avoid being subject to penal provisions under the RTI Act"*. In view of the aforesaid, I do not find any deficiency in the response of the respondent.

28. **Query no. 38 in the application –** The appellant, vide the aforementioned query in the application, sought the following information: -

*"38. Kindly provide copies of any inspection/audit findings during the requested period identifying deficiencies in algorithmic trading, DMA, API, Co-location or HFT controls at recognised stock exchanges, after redacting information exempt from disclosure, if necessary."*

29. **Reply of the Respondent-** With regard to query no. 38, the respondent informed that the inspection of Stock Exchanges conducted by SEBI covers various records and documents maintained by the exchanges and includes inferences from the internal records of the exchange as well as contains information that is highly confidential in nature. Such information is available with SEBI in its fiduciary capacity and is not public in nature.

    Further, respondent stated that the disclosure of such strategic and confidential information and information received in a fiduciary capacity would affect and compromise the interest of the securities market in specific, and may impact the economic interests of the country.

    In addition, the disclosure of information sought by the applicant also includes information containing commercial confidence and/ or intellectual property, the disclosure of which would harm the competitive position of a third party and no larger public interest would be served by disclosure of such information. Therefore, the respondent denied requested information u/s 8 (1)(a), 8 (1)(d) and 8(1)(e) of RTI Act.

30. I have perused the above mentioned query and the response provided thereto. On consideration, I concur with the response of the respondent that the inspection reports contain sensitive confidential information of exchanges. I also find that such information is in the nature of commercial confidence, the disclosure of which can adversely affect the competitive position of the exchanges. In the context of non-disclosure of information under Section 8(1)(d) of the RTI Act, the decision in *Naresh Trehan vs Rakesh Kumar Gupta* (W. P(C) 85/2010) decided on 24.11.2014, is referred to, wherein it was held*: "…. Such information would clearly disclose the pricing policy of the assessee and public disclosure of this information may clearly jeopardise the bargaining power available to the assessee since the data as to costs would be available to all agencies dealing with the assessee. It is, thus, essential that information relating to business affairs, which is considered to be confidential by an assessee must remain so, unless it is necessary in larger public interest to disclose the same. If the nature of information is such that disclosure of which may have the propensity of harming one's competitive interests, it would not be necessary to specifically show as to how disclosure of such information would, in fact, harm the competitive interest of a third party. In order to test the applicability of Section 8(1)(d) of the Act it is necessary to first and foremost determine the nature of information and if the nature of information is confidential information relating to the affairs of a private entity that is not obliged to be placed in public domain, then it is necessary to consider whether its disclosure can possibly have an adverse effect on third parties.* " Thus, I note that the requested information falls within the exempted information specified under Section 8 (1)(d) of RTI Act. I also find that such information is held by SEBI in its fiduciary capacity and falls within the purview of exempted information under section 8 (1)(e) of RTI Act. In this context, reliance is placed on the decision in Writ Petition (Civil) Nos. 8396/2009, 16907/2006, 4788/2008, 9914/2009, 6085/2008, 7304/2007,

7930/2009 and 3607 of 2007, the Hon'ble High Court of Delhi, in its order dated November 30, 2009, held that: *"In a fiduciary relationship, the principal emphasis is on trust, and reliance, the fiduciary's superior power and corresponding dependence of the beneficiary on the fiduciary. It requires a dominant position, integrity and responsibility of the fiduciary to act in good faith and for the benefit of and to protect the beneficiary and not oneself"*. In the context of non-disclosure of information under Section 8(1)(e) of the RTI Act, the decision of the Hon'ble Supreme Court of India in *Institute of Chartered Accountants of India Vs. Shaunak H. Satya and Ors.,* in Civil Appeal No. 7571 of 2011-dated 02/09/2011 is referred to, wherein it was held that: "... *In other words, anything given and taken in confidence expecting confidentiality to be maintained will be information available to a person in fiduciary relationship"*. Accordingly, I find that the requested information is exempt under section 8(1)(d) and 8(1)(e) of the RTI Act.

31. Additionally, I find that information contained in the inspection report are strategic in nature. Thus, I agree with the respondent that the disclosure of such strategic and confidential information may affect and compromise the interest of the securities market in specific and may impact the economic interests of the state. Accordingly, I find that the requested information will fall within the exemption under section 8(1)(a) of the RTI Act.

32. 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.

RUCHI CHOJER

Digitally signed by RUCHI CHOJER
Date: 2026.11.27 16:09:10 +05'30'

**Place: Mumbai**
**Date: November 27, 2026**

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