

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

Appeal No. 5219 of 2022

Sahaj Ram	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed an application dated June 16, 2022 (received by SEBI on June 20, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated July 15, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 22, 2022 (received by the Office of Appellate Authority on August 03, 2022).

With

Appeal No. 5220 of 2022

Zahid Hussain	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed an application dated May 30, 2022 (received by SEBI on June 07, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 25, 2022 (received by the Office of Appellate Authority on August 01, 2022).

With

Appeal No. 5221 of 2022

Arvind Kumar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed an application dated June 07, 2022 (received by SEBI on June 14, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated July 08, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 25, 2022 (received by the Office of Appellate Authority on August 01, 2022).

**With
Appeal No. 5222 of 2022**

Usha Devi : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated May 19, 2022 (received by SEBI on May 26, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 22, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 22, 2022 (received by the Office of Appellate Authority on July 27, 2022).

**With
Appeal No. 5223 of 2022**

Sunita Mishra : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated May 18, 2022 (received by SEBI on May 26, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 22, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 22, 2022 (received by the Office of Appellate Authority on July 27, 2022).

**With
Appeal No. 5224 of 2022**

Rudra Pratap Singh : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated June 04, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 27, 2022).

**With
Appeal No. 5225 of 2022**

Radheshyam Kushwaha : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed seven applications (one application received by SEBI on June 07, 2022 and six applications received by SEBI on June 10, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a common letter dated June 30, 2022, responded to the applications filed by the appellant. The appellant filed an appeal dated July 21, 2022 (received by the Office of Appellate Authority on July 27, 2022).

**With
Appeal No. 5226 of 2022**

Mrityunjay Baranwal	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed an application dated June 04, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

**With
Appeal No. 5227 of 2022**

Santosh Kumar Gupta	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed an application dated June 04, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

**With
Appeal No. 5228 of 2022**

Bhim Singh	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed an application dated June 04, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 17, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

**With
Appeal No. 5229 of 2022**

Vinod Kumar : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated June 04, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

**With
Appeal No. 5230 of 2022**

Vijay Kumar Jaiswal : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated June 04, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

**With
Appeal No. 5231 of 2022**

Pawan Kumar Kushwaha : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated June 04, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

**With
Appeal No. 5232 of 2022**

Sita Devi : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated June 03, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

**With
Appeal No. 5233 of 2022**

Shahina Khatoon : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated June 03, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

**With
Appeal No. 5234 of 2022**

Santosh Kushwaha : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated June 03, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

**With
Appeal No. 5235 of 2022**

Shriram Sharma : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated June 04, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

With

Appeal No. 5236 of 2022

Samodh Chouhan	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed an application dated June 04, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

With

Appeal No. 5237 of 2022

Ram Prawesh Prajapati	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed an application dated June 04, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

ORDER

1. I have perused the above mentioned applications, responses and appeals filed by the appellants. In all the applications, the appellants have sought similar information pertaining to refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. Further, I find that identically worded appeals (except date and name of applicant/ appellant), have been filed by the appellants in the said matter. As the grounds of appeals and issues involved are identical, I am dealing with all the aforesaid appeals, in this order.

2. The respondent, in response to the aforesaid applications, observed that the information sought by the appellants, is not available with SEBI. However, the appellant was advised to contact the Justice (Retd.) R. M. Lodha Committee. The respondent also provided the link for accessing the details of the Committee, for further communication. The appellant was advised to refer to the public notices dated July 31, 2021 and April 12, 2022 regarding status of refund and submission of original certificates for refund. Further, the respondent had provided links for accessing the said public notice.
3. **Ground of appeal-** On perusal of the appeals, it appears that the appellants are not satisfied with the response provided by the respondent. Further, the appellant, in their appeals, *inter alia*, submitted that the respondent, instead of providing the information, advised the appellants to contact the Justice (Retd.) R. M. Lodha Committee. Further, all the important information related to Lodha Committee is available in the SEBI website. The appellants, in their appeals, *inter alia*, queried why their applications were not transferred to the Lodha Committee under section 6(3) of the RTI Act.
4. I have perused the queries raised by the appellants and the response provided by the respondent. I note that the responsibility of disposal of the properties and repayment to investors, is entrusted with the Justice (Retd.) R. M. Lodha Committee (under the Chairmanship of Hon'ble Mr. Justice R.M. Lodha, former Chief Justice of India), which has been constituted, pursuant to the order dated February 2, 2016 of the Hon'ble Supreme Court of India. On consideration, I find no reason to disbelieve the response of the respondent that the requested information is not available with SEBI. 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." In view of the same, I do not find any deficiency in the response.
5. Notwithstanding the above, I note that the details of PACL – Status Report, FAQs, Press Releases and Public Notices etc. are available on SEBI website (www.sebi.gov.in) at : <https://www.sebi.gov.in/PACL.html> Further, there is a dedicated website with regard to PACL refund – <https://sebicommitteepaclrefund.com>. Additionally, the email address of the Committee is - nodalofficerpacl@sebi.gov.in
6. Further, I note that the Hon'ble CIC, in the matter of *Mr. Meraj Ahmad vs. CPIO, SEBI* (Order dated October 18, 2019), had dealt with similar subject matter regarding refund in the matter of PACL Ltd. The respondent, in the said matter had informed that in the matter of M/s PACL Ltd., SEBI passed various orders which were available on SEBI website at the link indicated in their letter i.e.,

“Enforcement-Orders-Orders of Chairman/ Members”. Furthermore, it was informed that on February 02, 2016, the Apex Court had appointed a special committee for disposing of the land purchased by PACL Company so that sale proceeds could be paid to the investors. In addition, the Supreme Court vide order dated November 15, 2017 appointed Shri R. S. Virk, District Judge (Retired) to hear the grievances of the applicants. The Complainant was also advised to file First Appeal with the FAA if he so desired. Keeping in view the facts of the case and the submissions available on record, the Hon’ble CIC decided that no further intervention of the Commission was required in the matter.

7. In view of the above observations, I find that no further intervention of this forum is warranted at this stage. The appeals are accordingly dismissed.

Place: Mumbai

Date: August 17, 2022

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