

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

Appeal No. 6096 of 2024

Ram Balak Yadav	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated December 26, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated January 11, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00162) dated July 29, 2024. 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. I note that under Section 19(1) of the RTI Act, an aggrieved person may prefer the first appeal within thirty days from the receipt of the response from the CPIO of the concerned public authority. In the instant case, the impugned response from the respondent is dated January 11, 2024. The appellant, therefore, should have filed the first appeal on or before expiry of thirty days from the date of receipt of the said response. As noted above, the appellant’s first appeal was received on July 29, 2024. The first appeal has been made after the last date permissible under the RTI Act. The appellant neither made a request for condoning the said delay in filing the appeal nor made any submission explaining the reasons which caused the delay. Considering the absence of a request for condoning the delay and any valid reason that prevented the appellant from filing the appeal in time, I consider this appeal as time barred and hence, liable to be dismissed on that count.
3. Notwithstanding the above observation, I am considering the appeal on merit. I have perused the application and the appeal and find that the matter can be decided based on the material available on record.

4. **Ground of appeal** – The appellant filed the appeal on the ground that he was refused access to information requested. The appellant, in his appeal, has raised dissatisfaction only with respect to the replies to request nos. 4, 6 - 12 of his application.
5. **Request nos. 4, 6 - 12 of the application** - The appellant, vide his requests nos. 4, 6 - 12 of the application dated December 26, 2023, sought the following information:

“REQUEST I want information regarding recovery related to bankrupt financial institutions like Alchemist Group of Company?

1) ...

2) ...

3) ...

4) There is a website running named Justice SP Talukdar Committee claiming founded by Kolkata High Court for recovery of Individual Investor from bankrupt financial institutions like Alchemist Group of Company. There is a form to fill out for the recovery of money. I filled out the same around one and half year ago but did not get any update yet. Is this website authorised?

5) ...

6) How much of the principal amount can individuals claim?

7) At the beginning of 2023, around February and March, the forms were circulated to be filled by investors and submitted to District magistrates. I filled the same and submitted to DM of Mirzapur, Uttar Pradesh Office. I am attaching the same. Was it released from the administration or by company? If it was authentic, what is its status?

8) Is there any way DM can help recover such debts?

9) To whom to contact from the company or administration for recovery?

10) How do I check whether I am eligible for recovery or not?

11) How do you check the status of it if recovery is in process?

12) What was the case filed against the Alchemist Group of company (related my case) and what is its status?”

6. **Reply of the Respondent** - The respondent, in response to request nos. 4, 6-12 of the application, informed that information sought is not available with SEBI. Additionally, with respect to request no 6 of the application, the respondent informed SEBI has initiated recovery proceedings against the said company and its directors for non - compliance of SEBI orders dated May 27, 2015 and June 14, 2016. Further, the respondent informed that with respect to repayments to investors in the matter, application for the same has to be submitted to the ‘One Member Committee’ under the Chairmanship of the Justice (Retd.) S.P. Talukdar constituted by the Hon’ble High Court of Calcutta vide its order dated December 21, 2017. The respondent also provided the relevant link to access the website of the said Committee.
7. I have perused the aforesaid requests 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.”*

Accordingly, I do not find any deficiency in the response of the respondent. Notwithstanding the above, I note that the respondent has informed the appellant that with respect to refund related to the matter, application for the same has to be submitted to the ‘One Member Committee’ under the Chairmanship of the Justice (Retd.) S.P. Talukdar constituted by the Hon’ble High Court of Calcutta vide its order dated December 21, 2017. The respondent also provided the relevant link to access the website of the said Committee. The appellant may accordingly be guided by the same.

8. 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: August 22, 2024

RUCHI CHOJER

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