

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

Appeal No.5822 of 2023

Vishal Bansal	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated October 02, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (hereinafter referred to as “**RTI Act**”). The respondent, by a letter dated October 04, 2023 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00215) dated October 08, 2023. 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. **Requests in the application** - The appellant, vide his application dated October 02, 2023, inter alia, sought information regarding deficiency in PACL Ltd. investor portal.
3. **Reply of the Respondent** The respondent in response to the application informed that the information sought is not available with Securities and Exchange Board of India (hereinafter referred to as “SEBI”). However, the appellant informed that Justice (Retd.) R. M. Lodha Committee was constituted by an order dated February 02, 2016 passed of the Hon’ble Supreme Court of India and that the same is not a Public Authority within the meaning under section 2(h) of the RTI Act. Hence, the said Committee would not fall within the purview of the said Act. The appellant was also advised to contact the Justice (Retd.) R. M. Lodha Committee. Further, the respondent provided the link for accessing the details of the Committee, for further communication. The respondent also provided the links for accessing the details with respect to PACL Refund, Public Notices, Press Releases, Status Report and FAQs etc. related to refund in the matter of PACL refund.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that he was refused access to information requested. The appellant in the appeal has, *inter alia*, made the following requests:

- “ 1) *A review and reconsideration of original RTI application and the response provided by the PIO.*
 - 2) *Clear and specific guidance on how to access and log into the SEBI portal for the rectification of entries, considering the current issues faced by investors.*
 - 3) *Any additional information or updates related to the SEBI portal and the rectification process, which may aid in resolving the ongoing concerns of investors.”*
5. I have perused the requests made by the appellant and the response provided by the respondent. The respondent, in his response, has categorically mentioned that the requested information is not available with SEBI. 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. 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.*” In view of these observations, I do not find any deficiency in the response.
6. Notwithstanding the above, I note that the respondent has provided the links for accessing the contact details of the Committee, Status Reports, FAQs, Press Releases and Public Notices pertaining to the refund in the matter of PACL Ltd., which are already available in the public domain. The appellant may be guided accordingly.
7. 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 2, 2021

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