

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

Appeal No. 5775 of 2023

Pankaj	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated July 01, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated July 24, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00178) dated August 11, 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 made in the application** –The appellant, vide his application July 01, 2023, sought the following information:

“1. I want to know from SEBI what is the process of refund policy by PACL money
2. please confirm whether the refund amount will be refunded by PACL company or SEBI.
3. in case the maturity amount is more than 2 lakh, then confirm me when this amount will be refunded by SEBI.”
3. The respondent, in response to the aforesaid requests, informed that the information sought by the appellant, is not available with 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 the information provided was incomplete, misleading and false. The appellant, in his appeal, requested to provide proper information.
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: September 08, 2023

B RAJENDRAN

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