

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

Appeal No. 5758 of 2023

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

ORDER

1. The appellant had filed an application dated June 21, 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 12, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00168) dated July 22, 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. **Ground of appeal-** The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false. On perusal of the appeal, it appears that the appellant is not satisfied with the response provided with respect to query numbers 1, 2 and 3. In view of the submissions made in the appeal, I am only dealing with the said queries and the response provided thereto, in this order.
3. **Query numbers 1, 2 and 3- Queries in the application** –The appellant, vide his application dated June 21, 2023, sought the following information:
 1. *Provide Name list of all related, subsidiary, associated, joint ventures company/ firm of Sahara India Group (SAHARA INDIA REAL ESTATE CORP. LTD and SAHARA HOUSING INVESTMENT CORPORATION LTD) on which Embargo/banned is applicable till date as per your records.*
 2. *List of Companies of this Sahara India group on which Embargo from Hon’ble Supreme Court Case No. CONMT.PET. (C) No. 000412 / 2012 and 000413/2012 Registered on 22-11-2012. (SEBI vs Sahara)*
 3. *A Copy of Letter/order Sent by SEBI from 2012 to till date to all related Authority (like IG Registration of all states) for Embargo/banned on sales of any the Assets (movable & immovable properties). Information about other guideline issued by SEBI in this Embargo/ banned regard.*

4. The respondent, in response to the aforesaid queries, informed that SEBI does not have any information in respect of Sahara Group in general. However, the respondent informed regarding the order dated August 31, 2012 passed by the Hon'ble Supreme Court of India, wherein SEBI was directed to refund the money along with interest, to the bondholders of two companies from the Sahara group i.e. Sahara India Real Estate Corporation Limited (SIRECL) and Sahara Housing Investment Corporation Limited (SHICL), after matching the relevant documents (that were submitted by investors as proof of payment) with the records submitted by Sahara. The respondent also provided information regarding the press release and advertisements issued in the newspapers vide which the bond holders of SIRECL and SHICL were informed that the last date for submission of application for refund was July 02, 2018. Further, the applications received after the said cut-off date would not be considered. Additionally, the respondent guided the appellant to access the details of Status of refunds made by SEBI in the SEBI Annual Report for the year 2021-22. The respondent also provided the link for accessing the said details regarding refund. The respondent also informed regarding the transfer of Rs. 5000 Cr from "Sahara – SEBI Refund Account" to the Central Registrar of Cooperative Societies pursuant to the order dated March 29, 2023 passed by the Hon'ble Supreme Court. The appellant, in his appeal, *inter alia*, submitted that the list of Sahara India Group Companies was not provided.
5. I have perused the queries and the response. At the outset I note that the respondent has clearly informed regarding non-availability of any information in respect of Sahara Group in general. I note that the respondent has provided detailed information regarding the various orders passed by the Hon'ble Supreme Court in the matter of SIRECL and SHICL and the subsequent actions taken by SEBI. I also note that the respondent has informed regarding the press releases and the cut-off dates with respect to refund in the matter. On consideration, I find that the respondent has adequately addressed the queries by providing the information available with him. Accordingly, I do not find any deficiency in the response.
6. Further, the appellant, in his appeal, *inter alia*, submitted that the order dated October 28, 2013 passed by the Hon'ble Supreme Court, has not been complied with in its letter and spirit. The submissions appear to be in the nature of grievance. In this context, I note that the Hon'ble CIC, in the matter of *Shri Rakesh Kumar vs. CPIO, Ordinance Factory Board* (Order dated June 15, 2017) observed that "*The Commission accepts the stand of the respondent that the RTI Act is not the proper law for the redressal of grievances and there are other appropriate fora for resolving such matters. Hence, no further intervention of the Commission is required in the matter.*" In view of the same, I find that these submissions do not warrant consideration by this forum.

7. The appellant, in his appeal, sought the meaning of Sahara Group of Companies as per SEBI Act. The appellant also queried whether SEBI issued any embargo letter for the public for compliance of the said order dated October 28, 2013 passed by the Hon'ble Supreme Court. I note that these requests have been made for the first time in this appeal. As held by the Hon'ble CIC in *Harish Prasad Divedi vs. Bharat Petroleum Corporation Limited* (decided on January 28, 2014), an information seeker cannot be allowed to expand the scope of his RTI enquiry at appeal stage. Accordingly, I find that the said requests do not warrant consideration at this stage.
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, 2023

ANAND BAIWAR

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