

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

Appeal No. 4704 of 2022

Prakash Pandey	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated January 08, 2022 (received by SEBI on January 28, 2022) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated February 17, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated February 17, 2022 (received by the Office of Appellate Authority on March 09, 2022). I have perused the application, the response of the respondent and the appeal and find that the matter can be decided based on the material available on record.
2. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent. In view of the submissions made by the appellant in his appeal, I am dealing with the queries and the response provided by the respondent, in the following paragraphs.

Queries raised with respect to M/s Rhine & Raavi Credit Holding Limited:

3. **Query numbers 1 and 6-** The appellant, vide query numbers 1 and 6, sought the following information:
 1. *When SEBI will pay the investor deposited amount.*
 6. *Date of payment & provide process for payment.*
4. The respondent, in response to the aforesaid queries, informed that the queries are hypothetical in nature and in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as seeking “information” as defined under Section 2(f) of the RTI Act.
5. I have perused the aforesaid queries and the response provided thereto. On consideration, I find that the queries are in the nature of seeking clarification or opinion of the respondent. Further, the queries

regarding date/time of payment of the investor's amount, are in the nature of eliciting clarification or opinion regarding a future event, which cannot be construed as an information available on record. In this context, I note that the Hon'ble CIC, in the matter of *Shri Shantaram Walavalkar vs. CPIO, SEBI (Decision dated January 17, 2013)* held: "... we would also like to observe that, under the Right to Information (RTI) Act, the citizen has the responsibility to specify the exact information he wants; he is not supposed to seek any opinion or comments or clarifications or interpretations from the CPIO...". In view of these observations, I find that the respondent did not have an obligation to provide such clarification or opinion under the RTI Act.

6. **Query numbers 2, 3 and 4-** The appellant, vide query numbers 2, 3 and 4, sought the following information-

2. *SEBI has appointed administrator. What action was done for the auction and selling of property?*
3. *How much amount recovered by administrator & recovery & Enforcement authorities?*
4. *What is Delhi Patiala House Court status in case SEBI vs Case no. 10/2017?*

7. In response to query number 2, the respondent informed that SEBI has withdrawn the appointment of the administrator in the instant case. Further, the respondent informed regarding the letter issued to Inspector General of Registration, Vikas Bhawan, Bailey Road, Patna, seeking copies of sale deed(s)/document(s) of the property as mentioned in the Prohibitory order no. 165 dated June 11, 2019. The respondent, in response to the query number 3, informed the amount recovered in the matter. In response to query number 4, the respondent informed that the matter *SEBI vs Rhine & Raavi Credit Holdings Limited* (CC No. 10/2017) is currently ongoing before the Ld. Patiala House Court. The respondent also provided information regarding next date of hearing in the said matter. The appellant, in his appeal, *inter alia*, queried how payment will be done and who will take responsibility for refund. The appellant also sought information regarding progress of the matter (CC No. 10/2017) after March 09, 2022.
8. I have perused the queries and the response provided thereto. I find that the respondent has addressed the queries by providing the information available with him. Accordingly, I do not find any deficiency in the response.
9. Further, I note that the appellant, in his appeal, raised certain queries with respect to the response provided by the respondent. I find that these queries were raised by the appellant 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 queries do not warrant consideration at this stage.

10. **Query number 5-** The appellant, vide query number 5, sought the following information-

5. Any NBW, arrest, warrant was done or not by SEBI's counsel in the court.

11. In response to the aforesaid query, the respondent informed that the Counsel of SEBI is not empowered to issue NBW, arrest or warrant. However, the respondent informed regarding the order dated October 06, 2021 passed by the Ld. Patiala House Court in CC No. 19/2017 and the status of the matter.
12. On perusal of the query and the response provided by the respondent, I find that the respondent has provided the information available with him regarding CC No. 19/2017 and the order passed in the said matter. In view of the same, I am of the opinion that the query has been adequately addressed.
13. Further, the appellant, in his appeal, *inter alia*, submitted that the respondent did not provide detailed information regarding the order passed in CC No. 19/2017. The appellant also sought details of the said matter. I find that this request was raised by the appellant for the first time in this appeal. In view of the case law mentioned at para 9 supra, I find that the said request does not warrant consideration at this stage.

Queries raised with respect to Vibgyor Group of Companies:

14. **Query number 1, 2 and 3-** The appellant, vide query numbers 1, 2 and 3, sought the following information regarding Vibgyor group of companies-

- 1. I want to know that the payment of depositors is done by SEBI or not. Which agency will do.*
- 2. How much amount and property recovered?*
- 3. The process of payment details to apply for payment.*

15. In response to query number 1 and 3, the respondent informed regarding the orders dated February 20, 2014 and March 09, 2018 passed in the matter of Vibgyor Allied Infrastructure Limited (VAIL) and the initiation of the recovery proceedings. The respondent also informed regarding appointment of Justice Sailendra Prasad Talukdar as 'One Man Committee' by the Hon'ble Calcutta High Court, vide order dated February 15, 2017, for looking after the process of making refunds in the matter of

Vibgyor group of companies. The address of the said Committee was provided by the respondent. With respect to the query regarding procedure for refund to investors, the appellant was advised to enquire from the said Committee. In response to query number 2, the respondent informed that the detailed information on action taken, progress and present status in the extant matter is available on the website of Justice Talukdar Committee. The respondent also provided the link for accessing the same.

16. I have perused the queries and the response provided thereto. I note that the respondent has categorically informed regarding appointment of Justice Sailendra Prasad Talukdar as 'One Man Committee' for looking after the process of making refunds in the extant matter. Further, the address of the said Committee has also been provided by the respondent. On consideration, I find that the respondent has addressed the queries by providing the information available with him. Further, the respondent has guided the appellant by providing the link for accessing the information available on the website of Justice Talukdar Committee, which is in public domain. In view of the same, no fault can be found with the response.
17. Further, the appellant, in his appeal, submitted that no action has been taken for payment. The appellant also requested to write to the Hon'ble High Court and One Man Committee for early disposal and payment. In this regard, I note that the Hon'ble CIC, in the matter of *Shri Matloob Ahmed v. Delhi Police, East District* (Decision dated January 11, 2013), held: "*The R.T.I. Act cannot be used to make the respondent to do certain things or to take certain action.*" In view of the same, I find that the said request of the appellant does not warrant consideration at this stage.
18. 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: April 06, 2022

S V MURALI DHAR RAO
APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA