

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

Appeal No. 5542 of 2022

Akhand Pratap Singh	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated September 26, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated October 07, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00678) dated December 22, 2022, against the said response dated October 07, 2022. 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 October 07, 2022. 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 December 22, 2022. 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-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent. The appellant, in his appeal, *inter alia*, submitted that the

application should have been transferred to the concerned ministry/department. In view of the submissions made in the appeal, I am dealing with the queries and the response provided thereto, in the following paragraphs.

5. **Query numbers 1, 2, 3 and 4-** The appellant, vide query numbers 1 to 4, sought the following information with respect to payment of money invested in Saharayn Universal Multipurpose Society Limited-

1. *Who is the responsible authority for making my payments? It is SEBI or Sahara*
2. *If its SEBI, then 2.1) what is the process? 2.2) Where I have to submit my documents? 2.3) In how much time I will get my money? 2.4) Can I get the money before completion of maturity period (the maturity period of original bond is over but maturity period of converted bond is yet to be completed) 2.5) how much interest will be payable?*
3. *If SEBI will not pay, and SAHARA is saying that they cannot pay as SEBI had freezer their accounts, then who is the responsible authority? Whose door should I knock?*
4. *What is the direction/order of Honourable Supreme Court in this matter for SEBI?*

6. The respondent in response to the aforesaid queries, informed that the Saharayn Universal Multipurpose Society does not fall under the regulatory purview of SEBI. The appellant was advised to approach Ministry of Cooperation, Government of India, for resolution of his grievances. However, the respondent provided information regarding the order dated August 31, 2012 passed by the Hon'ble Supreme Court with reference to two of the Group Companies of Sahara Group namely Sahara India Real Estate Corporation Limited (SIRECL) and Sahara Housing Investment Corporation Limited (SHICL). As per the said order, the Hon'ble Supreme court had, *inter alia*, directed SEBI to refund the amount to bondholders of SIRECL and SHICL along with interest on production of relevant documents evidencing payment and after counter checking the records produced by Saharas. Accordingly, SEBI processed the applications received up to the cut-off date and made refunds to the eligible bondholders. Further, respondent also informed that SEBI had filed an Interlocutory Application dated October 21, 2021 seeking further directions from the Supreme Court in this matter and that the matter was pending before the Supreme Court. The respondent also guided the appellant to access the various orders passed by the Hon'ble Supreme Court in the said matter of SIRECL and SHICL.

7. I have perused the application and the response. I note that the respondent has categorically stated that the matter pertaining to Saharayn Universal Multipurpose Society does not come under the purview of

SEBI. Further, the respondent also guided the appellant to approach the Ministry of Cooperation, Government of India, for resolution of his grievance. I also note that the respondent has provided detailed information regarding the order dated August 31, 2012 passed by the Hon'ble Supreme Court in the matter of SIRECL and SHICL and the subsequent actions taken by SEBI. 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.

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

"5. Whats the significance of Honourable Delhi High Court's order, order no WP(C)No. 669 date 22.03.2022 and 23.03.2022?"

9. The respondent, in response to the aforesaid query, informed that the information sought is not available with SEBI.
10. I have perused the query and the response provided thereto. I note that the respondent has categorically stated that the requested information is not available with him. I do not find any reason to disbelieve the said statement. In this context, the Hon'ble Supreme Court of India in the matter of *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."* In view of these observations, I do not find any deficiency in the response provided by the respondent.
11. Further, I note that the appellant, in his appeal, *inter alia*, stated that the application should have been transferred to the concerned ministry/department. On perusal of the application, I note that the queries have been specifically sought with respect to SEBI and that the respondent has adequately responded to the same.

12. 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: January 23, 2023

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