

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

Appeal No. 4901 of 2022

Ramendra Singh	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated March 09, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 24, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated April 05, 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. **Queries in the application** –The appellant, vide his application dated March 09, 2022, sought the following information:

“I request you to provide action report on recovery certificate No. 1011 of 2016 dtd November 10, 2016 and NRO/Rec/KBCL/113/2018 issue on date March 09, 2018 and issued by Mr. Mohammad Atif Alvi. How much time taken by KBCL to pay investors money. what action taken by you or concern authorities. Please action taken on that as soon as possible and give reply as earliest.”

3. The respondent, in response to the query regarding action report in the matter of KBCL India Ltd., informed that recovery proceedings had been initiated vide recovery certificate no. 1011 of 2016 dated November 10, 2016 for recovery of a sum of Rs. 118.69 crores against KBCL India Ltd. and its Directors. Further, SEBI had issued the attachment notice dated November 16, 2016 advising the banks and depositories to attach the bank, demat and mutual fund accounts of defaulters. The respondent also informed regarding issuance of the prohibitory orders dated March 09, 2018 and August 09, 2018, prohibiting the defaulters from disposing, transferring, alienating or charging in respect of all the properties held by the defaulters including the properties as mentioned in the aforesaid order Further, SEBI had carried out the valuation of some of the properties mentioned in the prohibitory order dated August 09, 2018. The respondent informed that the recovery proceedings in the matter of KBCL India Ltd. are in progress. With respect to the other queries, the respondent informed that the queries are

hypothetical in nature, vague and not specific. Accordingly, the same cannot be construed as seeking “information” as defined under Section 2(f) of the RTI Act.

4. **Ground of appeal-** The appellant has not mentioned any specific ground for filing the appeal. The appellant, in his appeal, *inter alia*, sought information regarding time to be taken by SEBI to refund the money of the investors. The appellant also queried why no action has been taken against the directors or related candidates to return the money.
5. I have perused the query regarding action report and the response provided thereto. On consideration, I find that the respondent has addressed the query by providing the information available with him. Accordingly, I do not find any deficiency in the response.
6. With respect to the other queries, I am of the opinion that the same do not confirm to Section 2(f) of the RTI Act. In this regard, I note that similar observations were made by the Hon’ble CIC in the matter of *Khwaaza Shamshad Ahamad vs. CPIO, National Council for Teacher Education* (order dated November 08, 2021). Accordingly, I do not find any deficiency in the response.
7. Further, I note that the appellant, in his appeal, sought information regarding time to be taken by SEBI to refund the money of the investors. The appellant also queried why no action has been taken against the directors or related candidates to return the money. 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.
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: May 02, 2021

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