

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

Appeal No. 5506 of 2022

Jantri Prasad Yadav	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated Nil (received by SEBI on October 31, 2022) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated November 02, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated November 23, 2022 (received by the Office of Appellate Authority on November 30, 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. **Queries in the application** –The appellant, vide his application, *inter alia*, sought information regarding action taken on his letter dated August 25, 2022 addressed to Lodha Committee, SEBI Bhavan. The appellant also queried whether the proceedings for refund will be initiated or not.
3. The respondent, in response to the aforesaid queries, informed that the information sought by the appellant, is not available with SEBI. However, the appellant was advised to contact the Justice (Retd.) R. M. Lodha Committee. The respondent also provided the link for accessing the details of the Committee, for further communication. Further, the respondent also provided the links for accessing the details with respect to Public Notices, Press Releases, Status Report and FAQs etc. related to refund in the matter of PACL refund.
4. **Ground of appeal-** On perusal of the appeal it appears that the appellant is not satisfied with the response provided by the respondent.
5. I have perused the queries raised by the appellant and the response provided by the respondent. 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. On consideration, I find no reason to disbelieve the response of the respondent

that the requested information is not available with SEBI. 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 the same, I do not find any deficiency in the response.

6. Notwithstanding the above, I note that the respondent has already provided the links for accessing the contact details of the Committee, Status Reports, FAQs, Press Releases and Public Notices pertaining to the matter of PACL Ltd. The appellant may be guided accordingly.
7. Further, I note that the Hon'ble CIC, in the matter of *Mr. Meraj Ahmad vs. CPIO, SEBI* (Order dated October 18, 2019), had dealt with similar subject matter regarding refund in the matter of PACL Ltd. The respondent, in the said matter had informed that in the matter of M/s PACL Ltd., SEBI passed various orders which were available on SEBI website at the link indicated in their letter i.e., "Enforcement-Orders-Orders of Chairman/ Members". Furthermore, it was informed that on February 02, 2016, the Apex Court had appointed a special committee for disposing of the land purchased by PACL Company so that sale proceeds could be paid to the investors. In addition, the Supreme Court vide order dated November 15, 2017 appointed Shri R. S. Virk, District Judge (Retired) to hear the grievances of the applicants. Keeping in view the facts of the case and the submissions available on record, the Hon'ble CIC decided that no further intervention of the Commission was required in the matter.
8. Further, I note that the appellant, in his appeal, *inter alia*, requested to initiate proceedings against the respondent under Section 18 of the RTI Act and also direct him to provide the information sought in the application. In this regard, I note that Section 18 of the RTI Act deals with powers and functions of the Central Information Commission. Hence, I find that this request is beyond the purview of the First Appellate Authority. Accordingly, the same does not warrant consideration at this stage.
9. 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: December 22, 2022

A SUNIL KUMAR

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