

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

Appeal No. 5238 of 2022

Ratan Kumar Ray : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated June 04, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

With

Appeal No. 5239 of 2022

Hareram Maddeshiya : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated June 04, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

With

Appeal No. 5240 of 2022

Jitendra Kushwaha : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated June 03, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

**With
Appeal No. 5241 of 2022**

Bhim Singh : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated June 04, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 17, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

**With
Appeal No. 5242 of 2022**

Prem Shankar : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated June 03, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

**With
Appeal No. 5243 of 2022**

Jawahar Rai : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated June 04, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

**With
Appeal No. 5244 of 2022**

Motilal Kushwaha : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated June 04, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

**With
Appeal No. 5245 of 2022**

Jagat Narayan Vishwakarma	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed an application dated June 04, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

**With
Appeal No. 5246 of 2022**

Jitendra Kumar Prajapati	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed an application dated June 03, 2022 (received by SEBI on May 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

**With
Appeal No. 5247 of 2022**

Suresh Yadav	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed an application dated June 04, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

**With
Appeal No. 5248 of 2022**

Puruhottam Sharma : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated June 03, 2022 (received by SEBI on June 08, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 18, 2022 (received by the Office of Appellate Authority on July 22, 2022).

**With
Appeal No. 5249 of 2022**

Kamlesh Kumar Prajapati : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed six applications dated May 25, 2022 (received by SEBI on May 28, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a common letter dated June 15, 2022, responded to the applications filed by the appellant. The appellant filed an appeal dated July 16, 2022 (received by the Office of Appellate Authority on July 21, 2022).

**With
Appeal No. 5250 of 2022**

Sandeep Kumar Patel : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated May 19, 2022 (received by SEBI on May 26, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 22, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 13, 2022 (received by the Office of Appellate Authority on July 19, 2022).

**With
Appeal No. 5251 of 2022**

Narendrabhai Balubhai Prajapati : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed six applications dated May 18, 2022 (received by SEBI on May 21, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a common letter dated June 09, 2022, responded to the applications filed by the appellant. The appellant filed an appeal dated July 12, 2022 (received by the Office of Appellate Authority on July 18, 2022).

**With
Appeal No. 5252 of 2022**

Parmeshwar Deen	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed an application dated May 30, 2022 (received by SEBI on June 07, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 29, 2022 (received by the Office of Appellate Authority on August 05, 2022).

**With
Appeal No. 5253 of 2022**

Jokhai Prasad	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed four applications dated June 03, 2022 (received by SEBI on June 13, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a common letter dated June 30, 2022, responded to the applications filed by the appellant. The appellant filed an appeal dated August 01, 2022 (received by the Office of Appellate Authority on August 08, 2022).

**With
Appeal No. 5254 of 2022**

Ramji Thakor	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed six applications dated June 09, 2022 (received by SEBI on June 15, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a common letter dated July 12, 2022, responded to the applications filed by the appellant. The appellant filed an appeal dated August 05, 2022 (received by the Office of Appellate Authority on August 17, 2022).

**With
Appeal No. 5255 of 2022**

Hari Ram	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed an application dated June 01, 2022 (received by SEBI on June 07, 2022) and two applications dated June 10, 2022 (received by SEBI on June 14, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application dated June 01, 2022 filed by the appellant. Further, the respondent, vide common letter dated July 01, 2022, responded to the applications dated June 10, 2022. The appellant filed an appeal dated August 08, 2022 (received by the Office of Appellate Authority on August 17, 2022).

**With
Appeal No. 5256 of 2022**

Gaya Prasad	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed an application dated June 01, 2022 (received by SEBI on June 07, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 29, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated August 08, 2022 (received by the Office of Appellate Authority on August 17, 2022).

**With
Appeal No. 5257 of 2022**

Yogendra Singh Sagar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed three applications dated June 07, 2022 (received by SEBI on June 14, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of

PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a common letter dated July 08, 2022, responded to the applications filed by the appellant. The appellant filed an appeal dated August 06, 2022 (received by the Office of Appellate Authority on August 17, 2022).

**With
Appeal No. 5258 of 2022**

Ramdaras Kushwaha : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated June 06, 2022 (received by SEBI on June 14, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated July 11, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated August 01, 2022 (received by the Office of Appellate Authority on August 12, 2022).

ORDER

1. I have perused the above mentioned applications, responses and appeals filed by the appellants. In all the applications, the appellants have sought similar information pertaining to refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. Further, I find that identically worded appeals (except date and name of applicant/ appellant), have been filed by the appellants in the said matter. As the grounds of appeals and issues involved are identical, I am dealing with all the aforesaid appeals, in this order.
2. The respondent, in response to the aforesaid applications, observed that the information sought by the appellants, 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. The appellant was advised to refer to the public notices dated July 31, 2021 and April 12, 2022 regarding status of refund and submission of original certificates for refund. Further, the respondent had provided links for accessing the said public notice.
3. **Ground of appeal-** On perusal of the appeals, it appears that the appellants are not satisfied with the response provided by the respondent. Further, the appellant, in their appeals, *inter alia*, submitted that the respondent, instead of providing the information, advised the appellants to contact the Justice (Retd.) R. M. Lodha Committee. Further, all the important information related to Lodha Committee is available in

the SEBI website. The appellants, in their appeals, *inter alia*, queried why their applications were not transferred to the Lodha Committee under section 6(3) of the RTI Act.

4. I have perused the queries raised by the appellants 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.
5. Notwithstanding the above, I note that the details of PACL – Status Report, FAQs, Press Releases and Public Notices etc. are available on SEBI website (www.sebi.gov.in) at : <https://www.sebi.gov.in/PACL.html> Further, there is a dedicated website with regard to PACL refund – <https://sebicommitteepaclrefund.com>. Additionally, the email address of the Committee is - nodalofficerpac@sebi.gov.in
6. 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. The Complainant was also advised to file First Appeal with the FAA if he so desired. 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.

7. In view of the above observations, I find that no further intervention of this forum is warranted at this stage. The appeals are accordingly dismissed.

Place: Mumbai

Date: August 17, 2022

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