

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

Appeal No. 5696 of 2023

S Rakku	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated April 17, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated April 19, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00107) dated May 25, 2023.
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 April 19, 2023. 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 May 25, 2023. 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. **Queries in the application** –The appellant, vide his application dated April 17, 2023, sought the following information:

“Respected sir I am a PACL policyholder My Registration number is U2.....18 Name as per PACL Certificate MRS S RAKKU Total Amount Claimed by me 16080 But my eligible Refund Amount 2159 Why sir but I fully paid all my premium dues I am eligible to claim my Refund amount Rs 16080 So I kindly request you to recheck my documents and Refund my total amount I attached all the premium due bills here.”

5. The respondent, in response to the aforesaid application, 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.
6. **Ground of appeal-** The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false. The appellant, in her appeal, *inter alia*, submitted that the appellant should have informed within five days of transferring the application to concerned department and the same was not done by the respondent. The appellant, in her appeal, requested to forward the application to the concerned department and also sought certain information regarding pending renewal subscription dues, paid renewal subscription dues, refund amount eligible to claim and total amount claimed as per the record.
7. I have perused the queries raised by the appellant and the response provided by the respondent. The respondent, in his response, has categorically mentioned that the requested information is not available with SEBI. 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. Further, 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 these observations, I do not find any deficiency in the response.
8. Notwithstanding the above, I note that the respondent has provided the links for accessing the contact details of the Committee, Status Reports, FAQs, Press Releases and Public Notices pertaining to the

refund in the matter of PACL Ltd., which are already available in the public domain. The appellant may be guided accordingly.

9. Further, I note that the appellant, in her appeal, requested to forward the application to the concerned department. With respect to the same, I note that the Committee, having been constituted by an order dated February 02, 2016 of the Hon'ble Supreme Court of India, is not a Public Authority within the meaning of Section 2(h) of the RTI Act and hence would not fall within the purview of the said Act. In view of the same, the said application cannot be transferred under section 6(3) of the RTI Act.
10. I also note that the appellant, in her appeal, sought certain information regarding pending renewal subscription dues, paid renewal subscription dues, refund amount eligible to claim and total amount claimed as per the record. I note that the said request has been made 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 request does not warrant consideration at this stage.
11. 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: June 21, 2023

B RAJENDRAN

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