

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

Appeal No. 5091 of 2022

Dharmalok Pandey	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated April 25, 2022 (received by SEBI on April 28, 2022) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated May 18, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated May 28, 2022 (received by the Office of Appellate Authority on June 07, 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 10 points in his application dated April 25, 2022, sought various information regarding refund in the matter of PACL Ltd.
3. The respondent, in response to the aforesaid application, observed 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. The appellant was advised to refer to the public notice dated July 31, 2021 for status of refund. Further, the respondent had provided links for accessing the said public notice.
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 refund is not being provided by SEBI/ Justice (Retd.) R.M. Lodha Committee as per the directions dated February 03, 2016 passed by the Hon’ble Supreme Court. The appellant also requested to take strict action in this matter.
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 PACL 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 guided the appellant to access the contact details of the Committee and the public notice dated July 31, 2021. Further, 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
7. Further, I note that the appellant, in his appeal, *inter alia*, requested this forum to take certain action against SEBI/ Justice (Retd.) R.M. Lodha Committee, for not complying with the directions passed by the Hon'ble Supreme Court. In this regard, I note that the Hon'ble CIC, in the matter of *Mohan Kumar Sharma vs. CPIO, Prime Minister's Office* (order dated November 26, 2019), held that "7. In view of the above, the Commission observes that under the RTI Act the CPIO provides information available with him or held by him. Thus, the appellant cannot expect the respondent to take certain action or initiate action as desired by him." In view of these observations, I find that such request, as made by the appellant in his appeal, does not warrant consideration under the RTI Act.
8. In view of the above observations, I find that no further intervention of this forum is warranted. The appeal is accordingly dismissed.

Place: Mumbai
Date: July 01, 2022

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