

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

**Appeal No. 5608 of 2023**

|                    |    |            |
|--------------------|----|------------|
| Prakash Pandey     | :  | Appellant  |
|                    | Vs |            |
| CPIO, SEBI, Mumbai | :  | Respondent |

**ORDER**

1. The appellant had filed an application dated Nil (received by SEBI on December 27, 2022) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated January 25, 2023, responded to the application filed by the appellant. The appellant filed an appeal dated February 22, 2023 (received by the Office of Appellate Authority on February 28, 2023). 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. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent regarding the queries raised with respect to Vibgyor Group of Companies and Rhine and Raavi Credits & Holdings Ltd. In view of the submissions made by the appellant in his appeal, I am dealing with the queries and the response provided thereto, in the following paragraphs.
3. **Vibgyor Group of Companies:**

**Query numbers 1 and 2:** The appellant, vide query numbers 1 and 2, *inter alia*, sought the following information pertaining to the Vibgyor Group of Companies:

1. Action taken by SEBI regarding repayment to depositors of this company.
2. The appellant stated that he had 13-14 certificates of the company and that no contact information of the High Court Committee was provided to him. The appellant sought the procedure for contacting the Committee.
4. The respondent, in response to the aforesaid queries, informed that the queries are in the nature of seeking clarification/opinion and accordingly, the same cannot be construed as seeking

“information”, as defined under section 2(f) of the RTI Act. However, the respondent informed regarding the orders dated February 20, 2014 and March 09, 2018 passed by SEBI in the matter of Vibgyor Allied Infrastructure Limited and also regarding initiation of recovery proceedings in the said matter. Further, the respondent informed regarding the appointment of the Hon’ble Justice Talukdar Committee (‘One Man Committee’) by the Hon’ble Calcutta High Court, for looking after the process of making refunds to the investors in the matter of Vibgyor Group of Companies. Further, the respondent provided the weblinks for accessing information pertaining to the said Committee including notice for depositors containing instruction/procedure to be followed for filing online applications etc. The respondent also provided the weblink for accessing the website of the Committee wherein the details regarding the action taken, progress and present status with respect to the above mentioned matter, is available.

5. I have perused the queries pertaining to Vibgyor Group of Companies and the response provided thereto. I note that the respondent has clearly informed the appellant regarding appointment of the Hon’ble Justice Talukdar Committee, to look after the process of making refunds to investors in the matter of Vibgyor Group of Companies. The respondent has also provided the link for accessing the website wherein the procedure for applying for refund in the said matter is available. In my opinion, the respondent has adequately addressed the queries by providing the information available with him. In view of the same, I do not find any deficiency in the response.
6. Further, I note that the information regarding the matters handled by the Hon’ble Justice Talukdar Committee, have been published on the relevant website and the same is available in the public domain. The appellant may be guided accordingly.
7. **Rhine and Raavi Credit & Holding Limited:**

**Query numbers 1, 2 and 3:** The appellant, vide query numbers 1, 2 and 3, *inter alia*, sought the following information pertaining to Rhine and Raavi Credit & Holding Limited:

*“1. Administrators have been appointed by SEBI and the payment will be made by selling the assets of the company. Kindly set a deadline for refunding the amount.*

*2. Kindly inform regarding appearance of accused before Patiala House Court in Case No. 10/2017. Inform the provisions of IPC.*

*3. Whether CBI is also investigating the matter? Whether any case is pending in Jharkhand High Court?"*

8. **Query number 1-** With respect to query number 1, the respondent informed that the query is hypothetical in nature. Accordingly, the same cannot be construed as seeking "information", as defined under section 2(f) of the RTI Act.
9. I have perused query number 1 and the response provided thereto. I note that the appellant, vide his query, has requested to set a deadline for refunding the money to the investors. On consideration, I find that the RTI Act cannot be used to make the respondent take certain action as per the applicant's desire. In this context, I note that the Hon'ble CIC, in the matter of *Mr. Surendra Vishwakarma vs. President Secretariat* (Order dated April 29, 2016) observed that "*In this context, we note that the RTI Act cannot be used to make the respondent to do certain things or take certain action for the reason that the Act is not the proper law for redressal of grievances/disputes and there are other appropriate forum(s) for resolving such matters.*" In view of these observations, I find that the said query cannot be construed as seeking "information", as defined under section 2(f) of the RTI Act. Accordingly, no further intervention is warranted at this stage.
10. **Query number 2-** With respect to the first part of query number 2 regarding appearance of accused before the Hon'ble Patiala House Court in Case No. 10/2017, the respondent informed that during the last date of hearing held on 21.12.2022, no one appeared on behalf of the company i.e. the accused no. 1. The respondent also informed that Sh. Arjun Raghuvanshi, Amicus Curae, appeared for accused no. 2 Mr. Rakesh Gupta and that accused No. 2 was produced through video conference from Dhanbad Jail. Further, Shri Ravi Nanda, proxy counsel, appeared for accused no. 3 Birender Kaji and accused no. 4 Surender Kumar had been declared a proclaimed offender vide order dated 12.02.2022. With respect to the second part of query number 2 query regarding provisions of the IPC, the respondent informed that no provision of IPC has been invoked by SEBI in the said matter.
11. I have perused query number 2 and the response provided thereto. On consideration, I find that that respondent has adequately addressed the query by providing the information available with him. Accordingly, I do not find any deficiency in the response.
12. **Query number 3-** The respondent, in response to query number 3, informed that the information sought is not available with SEBI.

13. I have perused the query and the response provided thereto. On consideration, I do not find any reason to disbelieve the response of the respondent that the requested information is not available with SEBI. In this context, I note that the Hon'ble CIC, in the matter of *Mrigesh Manubhai Thakkar vs. SEBI* (order dated December 28, 2016) observed that "*The Commission observes that the respondents can provide only that information which is existing and available with them and the RTI Act does not mandate it for the respondent authority to create information if it is not collected and collated in the normal course of their duties. The Commission, therefore, does not find any need to intervene in the matter. The appeal is disposed of.*" In view of these observations, I do not find any deficiency in the response.
14. 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: March 27, 2023

**B RAJENDRAN**

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