

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

Appeal No. 5672 of 2023

Mahendra Kalantri	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated April 19, 2023 (received by SEBI on April 28, 2023) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated May 10, 2023, responded to the application filed by the appellant. The appellant filed an appeal dated June 05, 2023 (received by the Office of Appellate Authority on June 06, 2023). The appellant also sent an email dated June 10, 2023 with further submissions. I have carefully considered the application, the response 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 dated April 19, 2023, sought the following information:

“i. The properties have been seized and detailed valuation must have been done, as it was listed for disposal/inviting offers. Has the Nodal Committee prepared the list of properties as per the information required in Point (a).

ii. What is the present status of sale?

iii. Will all the properties be sold at one time or will the properties be sold one by one?

iv. Has the Nodal Committee informed the investors whose money is with the Company regarding the status of the properties and their status vis-à-vis “As-is-As. Wherever is” basis.

v. Will the Nodal Committee inform the Hon’ble Supreme Court of India about offers received from time to time and whether early disposal will help to reduce the expenses being incurred?

vi. How many executives have been provided by SEBI to assist the Nodal Committee to look after the details of the properties, and whether the executive/s is working strictly to assist the Nodal Committee?

vii. How many times has the Nodal Committee tried to dispose of the properties?”

3. 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.
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 no response was received from the Nodal Officer Cum Secretary, The Justice (Retd.) R. M. Lodha Committee, to whom the RTI Application has been made. The appellant also stated that the reply was given by the CPIO, SEBI and that only the Nodal Officer cum Secretary, the Justice (Retd.) R. M. Lodha Committee can give the reply as all records are with him.
5. I have perused the application and the response provided thereto. I note that the respondent, in his response, has mentioned that the requested information is not available with SEBI. I also 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, the respondent has guided the appellant to access the contact details of the said Committee, its Status Reports, FAQs, Press Releases and Public Notices pertaining to the refund in the matter of PACL Ltd., which are published on the SEBI website.
6. With respect to the submission of the appellant regarding the reply being wrongly provided by the CPIO, SEBI, I find that the RTI application was categorically addressed to The Nodal Officer Cum Secretary, The Justice (Retd.) R. M. Lodha Committee (In the matter of PACL Ltd.), SEBI Bhavan, Plot No. C4-A, "G" Block, bandra Kurla Complex, Bandra East, Mumbai- 400051. However, the same had been responded to by the CPIO, SEBI. I am of the opinion that the application along with the prescribed fees, should have been returned to the applicant by SEBI since the application was not specifically addressed to the CPIO, SEBI. In view of the same, it would be appropriate to refund the prescribed fees paid by the applicant.
7. Further, the appellant, in his email dated June 10, 2023, *inter alia*, submitted that it was strange why the Nodal Committee had not responded. The appellant also queried as to when/whether the next auction

would take place. I note that the submissions are in the nature seeking clarification/explanation from the respondent. I also note that the request regarding 'next auction' 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 submissions do not warrant consideration at this stage.

8. The appellant, in his appeal, stated that "*It is expected that your office will pursue the matter with the Nodal Officer Cum Secretary, The Justice (Retd.) R. M. Lodha Committee (In the matter of PACL Ltd.) and reply to the queries.*" With respect to the said request, 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.
9. Considering the above observations, I remit the application to the respondent for complying with the specific directions passed in paragraph 6 above, within 30 working days from the date of receipt of this order.
10. The Appeal is accordingly disposed of.

Place: Mumbai

Date: June 13, 2023

B RAJENDRAN

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