

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

Appeal No. 5443 of 2022

Ashok Kumar Soni : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated July 15, 2022 (received by SEBI on July 23, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated August 10, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated September 30, 2022 (received by the Office of Appellate Authority on October 04, 2022), against the response dated August 10, 2022.

**With
Appeal No. 5444 of 2022**

Bindeshwar Sahu : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated May 14, 2022 (received by SEBI on May 20, 2022) under the 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 09, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated September 30, 2022 (received by the Office of Appellate Authority on October 04, 2022) against the response dated June 09, 2022.

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 responses from the respondent are dated June 09, 2022 and August 10, 2022. The appellants, therefore, should have filed the first appeals on or before expiry of thirty days from the date of receipt of the said responses. As noted above, the appellant’s first appeals has been made after the last date permissible under the RTI Act. The appellants have neither made a request for condoning the said delay in filing the appeals nor made any submissions 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 these appeals as time barred and hence, liable to be dismissed on that count.

Notwithstanding the above observation, I am considering the appeals on merit. I have perused the application, the responses and the Appeal and find that the matter can be decided based on the material available on record.

ORDER

1. I have perused the above mentioned applications, responses and appeals filed by the appellants. In both 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. Hence, I am dealing with both 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. 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.
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 appellants, 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 respondent has already provided the links for accessing the Status Reports, FAQs, Press Releases and Public Notices pertaining to the matter of PACL Ltd.
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. 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: October 21, 2022

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