

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

Appeal No. 6133 of 2024

BS Advocate	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated July 04, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated July 09, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00196) dated August 28, 2024.
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 July 09, 2024. 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 August 28, 2024. 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. **Request in the application** - The appellant, vide his request of the application dated July 04, 2024 sought the following information:

“yah ki peeeseel indiya limited mein laakhon niveshakon ka phansa paisa kaise nikaale? yah ki kya sebee naee dillee niveshako ka paisa riphand kar raha hai, yadi haan to kitana amaunt riphand kiya ja raha hai ? yah ki kisee vyakti ke mehanat kee rakam do laakh pandrah bajaar kaise nikaale? joki saal do hazaar saat se peeeseel indiya limited mein phansa hai. yah ki saal do hazaar saat se ab tak do laakh pandrah hazaar par may byaaj ke kitana amaunt milega?”

5. **Reply of the Respondent** - The respondent, in response to the application, informed that the information sought is not available with Securities and Exchange Board of India (hereinafter referred to as “SEBI”). Further, the respondent informed that Justice (Retd.) R. M. Lodha Committee was constituted by an order dated February 02, 2016, passed by the Hon’ble Supreme Court of India and that the same is not a Public Authority within the meaning under section 2(h) of the RTI Act. Hence, the said Committee would not fall within the purview of the said Act. The respondent provided the link for accessing the details of the Committee, for further communication. The respondent also provided the links for accessing the details with respect to Public Notices, Press Releases, Status Report and FAQs etc. related to PACL matter.
6. **Ground of appeal** - The appellant has filed the appeal on the ground that information provided is incomplete, misleading and false information.
7. I have perused the requests made 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. I also note that the respondent has informed the appellant that the aforesaid committee is not a Public Authority within the meaning under section 2(h) of the RTI Act. Hence, the said Committee would not fall within the purview of the said Act. Further, I note that the Hon’ble Central Information Commission (hereinafter referred to as “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

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

9. 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: September 24, 2024

RUCHI CHOJER

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