

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

Appeal No. 6083 of 2024

Shri Surander Kumar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application (Reg. No. SEBIH/R/P/24/00128) dated May 24, 2024 (received by SEBI on June 01, 2024) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 11, 2024, responded to the application filed by the appellant. The appellant filed an appeal dated July 05, 2024 (received by the Office of Appellate Authority on July 16, 2024). 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.
3. **Request Nos. (i), (ii) and (iii) of the application** - The appellant vide his request nos. (i) – (iii) of the application dated May 24, 2024, sought the following information regarding Network Marketing Co. Pvt. Ltd.:

*“(i) Listing date in SEBI and Binding Date
(ii) Reason for binding up (in details)
(iii) How much balance in account of above Co. when it was binding up (in details)”*
4. **Reply of the Respondent** - The respondent, in response to the aforesaid queries, informed that the information sought is not available with SEBI.
5. I have perused the aforesaid request and the response provided thereto. I note that the respondent has categorically stated that the requested information is not available with SEBI. I note that the respondent can only provide information that is available in the records. In this context, I note that the Hon’ble Central Information Commission (hereinafter referred to as “**CIC**”) in the matter of *S/h.*

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.

6. **Request Nos. (iv), (v) and (vi) of the application** - The appellant vide his request nos. (iv), (v) and (vi) of the application dated May 24, 2024, sought the following information regarding Network Marketing Co. Pvt. Ltd.:

*“(iv) Value of real estates & other properties in different cities when SEBI had taken over (In details)
(v) How many investors are there in this Co.
(vi) How many persons/investors have got their maturity money (in details)”*

7. **Reply of the Respondent** - With respect to request no. (iv) of the application, the respondent informed that SEBI has issued Prohibitory Order dated January 08, 2020, attaching immovable properties of the defaulter company. The respondent informed that the said order is available on SEBI website.

With respect to request no. (v) and (vi) of the application, the respondent informed that the details of investors are mentioned in the SEBI's order dated March 19, 2015, which is also available on the SEBI website.

8. I have perused the aforesaid requests and the response provided thereto. I note that the appellant in his appeal has submitted that SEBI's website is not opening /active. The appellant, in his appeal, has, *inter alia*, requested for hard copies of the orders referred in the reply of the respondent. I note that the SEBI website is working and the said orders can be accessed under the head “Enforcement> Orders”. Accordingly, I do not find any deficiency in the response of the respondent with respect to request no. (iv) of the application. However, with respect request nos. (v) and (vi) of the application regarding seeking information related to investors, I note that the respondent has informed the appellant to refer to SEBI's order dated March 19, 2015. I note that the said order is only the interim order and it appears that SEBI has also passed a final order in the matter on July 30, 2018. In view of the above, I find that the reply of the respondent to request nos. (v) and (vi) of the application is not adequate. In my view, the respondent was obliged to ascertain availability of the requested information with SEBI and whether the same may be provided to the appellant in accordance with

the provisions of the RTI Act. On consideration, I find that the aforesaid request has not been adequately addressed.

9. **Request No. (vii) of the application** - The appellant vide his request no. (vii) of the application dated May 24, 2024, sought the following information regarding Networth Marketing Co. Pvt. Ltd.:

“(vii) When investors/persons will get their maturity money(in details)”

10. **Reply of the Respondent** – The respondent, in response to request no. (vii) of the application, informed that recovery proceedings u/s 28A of SEBI Act have been initiated against Networth Marketing Limited and its directors for failure to refund money. Further, the respondent informed that SEBI has attached various bank, demat accounts and mutual fund folios and assets of Networth Marketing Limited and its directors. Also steps have been taken for disposal of assets of Networth Marketing Limited. Additionally, the respondent informed that refund of money to the investors shall be initiated after recovery of substantial money from the attached properties of Networth Marketing Limited and the same shall be notified.
11. I have perused the aforesaid requests and the response provided thereto. On consideration, I find that the respondent has adequately addressed the said requests by providing the information available with him. Accordingly, no further intervention of this forum is warranted.
12. Further, I note that the appellant in his appeal has sought further information and documents (in hard copy) pertaining to his queries in the application. 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.
13. Considering the above observations, I remit the application to the respondent for *de novo* consideration of request nos. (v) and (vi) of the application and sending appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.

14. The Appeal is accordingly disposed of.

Place: Mumbai

Date: August 13, 2024

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