

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

Appeal No. 6147 of 2024

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

ORDER

1. The appellant had filed an application (Reg. No. SEBIH/R/P/24/00164) dated July 16, 2024 (received by SEBI on July 20, 2024) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated August 13, 2024, responded to the application filed by the appellant. The appellant filed an appeal dated August 30, 2024 (received by the Office of Appellate Authority on September 25, 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. **Queries in the application-** The appellant, in his application dated July 16, 2024, *inter alia*, sought information regarding refund of money with respect to the matter of Vibgyor group of companies (VAIL) and Rhine and Raavi Credits & Holdings Limited.
3. **Reply of the Respondent** - The respondent, in response to request pertaining to M/s Vibgyor group of companies (VAIL) informed that the information sought are in the nature of seeking clarification/opinion. Accordingly, the same cannot be construed as "information", as defined u/s 2(f) of the RTI Act, 2005. However, the respondent informed the appellant that SEBI (vide orders dated February 20, 2014 and March 9, 2018) has, *inter alia*, directed Vibgyor Allied Infrastructure Limited and its directors/promoters to refund the money, jointly and severally, to investors within a period of three months from the date of order. As the company and its directors failed to comply with directions issued vide abovementioned SEBI orders, recovery proceedings have been initiated in the matter. Further, the respondent informed that meanwhile, the Hon'ble Calcutta High Court vide its order dated February 15, 2017 has appointed Hon'ble Justice Sailendra Prasad Talukdar as 'One Man Committee' which is looking after the process of making refunds to investors in the matter of Vibgyor group of companies. Additionally, the respondent informed that the detailed information on action

taken, progress and present status in this matter is available on the website of the Committee. The respondent provided the relevant links to access the same.

With respect to request pertaining to Rhine and Raavi Credits & Holdings Limited, the respondent informed that SEBI initiated Recovery Proceedings vide recovery certificate no. 849 of 2015 dated 31.12.2015 in the matter of Rhine and Raavi Credits & Holdings Limited for non-compliance of SEBI's order no. WTM/PS/92/NRO/MAR/2015 dated March 27, 2015. Bank accounts and Demat accounts of the defaulters were attached vide attachment proceeding nos. 2421 & 2422 of 2015 dated 31.12.2015. Additionally, the respondent informed that subsequently, SEBI issued prohibitory order dated 11.06.2019 prohibiting the defaulters from transferring, disposing of, alienating or charging in respect of the property (ies) mentioned in the prohibitory order.

4. **Ground of appeal-** On perusal of the appeal, it appears that the appellant is not satisfied with the response provided by the respondent.
5. I have perused the aforesaid requests and the response provided thereto. I note that similar request was sought by the appellant in his earlier RTI application (Reg. no. SEBIH/R/P/24/00166) dated July 16, 2024, for which the respondent had already provided the reply vide his letter dated August 13, 2024. Further, FAA order dated October 03, 2024 is also passed with respect to the said earlier RTI application in Appeal no. 6146 of 2024. Hence, I find that the said requests are repetitive in nature. In the context of filing repetitive requests under RTI Act, the Hon'ble CIC in the matter of *Shri Ramesh Chand Jain vs. Delhi Transport Corporation, GNCTD, Delhi* (File No. CIC/AD/A/2013/001326-SA decided on June 25, 2014) held that "*The universal principles of civil justice also recognized 'constructive res judicata', which in the RTI context means when an applicant uses an opportunity of obtaining information on a particular subject as per law, he is expected to seek all the related information in that first ever opportunity itself. He cannot file another application for a bit or piece which he forgot to ask, or not advised by his lawyer, or for any other reason. He should ask all possible aspects of information about that subject matter, in the first ever available opportunity. Even if he does not, it is presumed by law that he asked for that and was refused after due trial..... Thus, once information is given, applicant shall not seek the same once again in the guise of different form or language. If the applicant seeks information again and again, the PIO, the First Appellate Authority and the Commission would be forced to spend their time on this repeated application, and in the process the authorities would lose that much time to address the other RTI applications or performing their general duties in their public office. Repeated RTI applications will amount to clogging the office of public authority and CPIO would be justified in refusing the same with intimation of reasons. Because the repeated RTI application has an effect of clogging the public offices, it*

would amount to obstructing the free flow of information to deserving and genuine RTI applicants, besides preventing the officers from performing their general duties attached to their office". In view of the above, I find that no further intervention of this forum is warranted at this stage.

6. 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: October 03, 2024

RUCHI CHOJER

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