

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

Appeal No. 5729 of 2023

Rohit Yadav	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application (Reg. No. SEBIH/R/E/23/00579) dated June 16, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The applicant’s name was mentioned as ‘rohithcl2021@gmail.com’ in the said application. The respondent, by a letter dated June 22, 2023, responded to the application filed by the appellant. The appellant filed an appeal dated Nil (received by the Office of Appellate Authority on July 04, 2023). 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, vide his application dated June 16, 2023, sought the following information regarding refund in the matter of PACL Ltd.:

“1. If the investor has such a mistake in his form then how to fix it like (PACL Certificate Number - U05.....36) could not be processed further at this stage because the bank account details provided by you in the claim application are incorrect or it is not in your name because the name is the same in the bank and PAN card but the name in the policy is slightly different, so which one for this? Documents should be attached The investor who had earlier improved his form but has not received any amount of that policy so far and now on checking the status again, it is showing such as the status of the claim application:

2. Your application (PACL Certificate Number - U052.....49) could not be processed further at this stage because the bank account details provided by you in the claim application are incorrect or it is not in your name, so when and how will you get the amount because now there is no option to fix the mistake.

3. Please also give information about how and when the payment will be made to the investors whose forms are deposited in the company.

4. Investors who did not make all the slips online due to mistake earlier and they are getting only 2 slips money, then how will they take their full money?”

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*, sought information regarding contact details of the Lodha Committee. The appellant also referred to PACL Certificate No. O05....35 and sought information regarding refund of the amount. The appellant also sought information regarding document to be uploaded for rectification of mistake in the account details. Further, the appellant raised queries regarding less payment being received by investors and also regarding refund to investors whose documents have been submitted with the company.
5. I have perused the queries raised 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. Further, 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 these observations, I do not find any deficiency in the response.
6. 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 refund in the matter of PACL Ltd., which are already available in the public domain. The appellant may be guided accordingly.

7. Further, the appellant, in his appeal, *inter alia*, sought information regarding contact details of the Lodha Committee. In this regard, I note that the respondent has already provided the link for accessing the contact details of the Committee. Accordingly, no further intervention is warranted with respect to the same. Further, the appellant also sought information regarding refund of the amount with respect to certain PACL Certificate number. The appellant also sought information regarding document to be uploaded for rectification of mistakes in the account details. Further, the appellant raised queries regarding less payment being received by investors and also regarding refund to investors whose documents have been submitted with the company. I note that these requests have 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 requests do not warrant consideration at this stage.
8. 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: August 02, 2023

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