

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

Appeal No. 5767 of 2023

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

ORDER

1. The appellant had filed an application (Reg. No. SEBIH/R/P/23/00202) dated May 26, 2023 (received by SEBI on June 02, 2023) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 16, 2023, responded to the application filed by the appellant. The appellant filed an appeal dated July 25, 2023 (received by the Office of Appellate Authority on August 02, 2023).
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 June 16, 2023. 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 02, 2023. The first appeal has been made after the last date permissible under the RTI Act. The appellant, in his appeal, mentioned that the response was received on June 27, 2023. The appellant also stated that there was unintentional delay in filing the appeal and the same was due to water logging in Charkhi Dadri, Haryana. The appellant has made a request for condoning the said delay. Considering the submissions made by the appellant in his application, the delay in filing the extant appeal is condoned. Further, 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.
3. **Requests made in the application-** The appellant, vide his application dated May 26, 2023, *inter alia*, sought information regarding statements/ receipts of amount deposited by the appellant and the details of amount withdrawn with respect to policy no. 0087....554 of PACL Ltd.
4. The respondent, in response to the aforesaid requests, 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.

5. **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, requested to provide the information sought by him as it is necessary to enquire about the policy no. 0087....554.
6. 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. 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.
7. 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.
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: September 01, 2023

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