

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

Appeal No. 6348 of 2025

Rashida Bee : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated March 09, 2025 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 20, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00062) dated March 21, 2025. I have carefully considered the application, the response 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 her application dated March 09, 2025, has stated that she has made an online refund request in the matter of PACL Ltd. In this regard, she has sought the following information:
 1. *Complete information about the action taken on her refund applications bearing Registration No. U161132XXX & U161132XXX and the reason for not making refund.*
 2. *Certified copies of allotment letter, sale deed, registered documents, sale agreement, lease deed, any other documents in support of the allotment of land as has been claimed by the PACL Ltd.*
 3. *Copy of the decision taken by the competent authority and the legal ground on which her refund application were kept on hold/rejected.*
 4. *Copy of the correspondence or report pertaining to her refund applications which has been made available by PACL Ltd to SEBI.*
 5. *If any internal investigation or review has been conducted in this matter by the Committee, a copy of the related report and conclusion should be provided.*

3. **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, refund, press releases, status report and FAQs etc. related to PACL matter.
4. **Ground of appeal** – The appellant has filed the appeal on the ground that she was provided incomplete, misleading or false information. The appellant has contended that it is the responsibility of SEBI to obtain the information from Justice (Retd.) R. M. Lodha Committee and provide it to the appellant. The appellant has also submitted that if the information sought is not available with SEBI, the application shall be transferred to the Committee or other relevant authority under Section 6(3) of RTI Act.
5. I have perused the application and the response provided thereto. 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.” I also note that Hon’ble Supreme Court of India in *Central Board of Secondary Education & Anr. vs. Aditya Bandopadhyay & Ors* (Judgment dated August 9, 2011) has held that “The RTI Act provides access to all information that is available and existing, ... But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant.” Therefore, the respondent did not have an obligation to obtain the

information and to furnish the same to the appellant. In view of these observations, I do not find any deficiency in the response of the respondent.

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 , Public Notices and details of refund, pertaining to the matter of PACL Ltd., which are already available in the public domain. The appellant may be guided accordingly.
7. 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: April 07, 2025

RUCHI CHOJER

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