

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

Appeal No. 5986 of 2024

Sikha Purkayastha : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated March 21, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated March 26, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/24/00077) dated April 10, 2024. 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. **Requests in the application** - The application of the appellant pertains to refund in the matter of PACL.
3. **Reply of the Respondent** – The respondent, in response to the aforesaid application, informed that no information has been sought in the said application. Further, the respondent informed that the requests in the application is in the nature of giving suggestion/request. Accordingly, the same cannot be construed as “Information”, as defined u/s 2(f) of the RTI Act, 2005.
4. **Ground of appeal** - The appellant filed the appeal on the ground that the information provided is incomplete, misleading or false information.
5. I have perused the aforesaid requests and the response provided thereto. I concur with the response of the respondent that no information has been sought in the application and the same is more in the nature of suggestions and seeking action from SEBI. In this context, the Hon’ble Central Information Commission (hereinafter referred to as “**CIC**”), in the matter of *Mohan Kumar Sharma vs. CPIO, Prime Minister’s Office* (order dated November 26, 2019), held that “7. In view of the above, the Commission observes

that under the RTI Act the CPIO provides information available with him or held by him. Thus, the appellant cannot expect the respondent to take certain action or initiate action as desired by him.” Accordingly, I do not find any deficiency in the response of the respondent.

6. Notwithstanding the above, with respect to PACL refund matter, I note that Justice Lodha Committee having been constituted by an order dated 02/02/2016 of the Hon’ble Supreme Court of India is not a Public Authority within the meaning under Section 2 (h) of the RTI Act and hence would not fall within the purview of the said Act. However, contact details of the committee is available on SEBI website at <https://www.sebi.gov.in/details-pacl-committee.html>. Further, the details of PACL Matters – Public Notices, Press Releases, Status Report, and FAQs etc. are available on SEBI website at www.sebi.gov.in/PACL.html. 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: May 6, 2024

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