

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

Appeal No. 6149 of 2024

Kishore Kumar S : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated September 05, 2024 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated September 09, 2024 responded to the application filed by the appellant. The appellant filed an appeal (Reg.No. SEBIH/A/E/24/00209) dated September 09, 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. **Request in the application** - The appellant, vide his request of the application dated September 05, 2024 had sought the following information:

“I am submitting this application under the Right to Information Act 2005 to seek clarification and information regarding my PACL certificates as outlined below.

Regarding PACL Certificate No U13.....30, I received a notification stating that my application could not be processed further because land has been allotted against the said certificate as per the data provided by PACL Ltd. In this regard, I request you to kindly provide the details of the land allotted against PACL Certificate No U13.....30, the process for claiming the allotted land if applicable, and any further steps required from my side to proceed with my application.

Regarding PACL Certificate No U13.....82, I received another notification that my application for this certificate could not be processed further as I allegedly declared (Yes) for the land allotted field in the claim application. However, I wish to clarify that I did not declare (Yes) for this field. I request you to kindly provide details of the land, if any, that has been allotted against PACL Certificate No U13.....82, information on any record showing that I have declared (Yes) for land allotment, and steps to correct any errors or resolve the issue if this was a mistake. I kindly request you to provide this information at the earliest as per the provisions of the RTI Act. Please inform me of any charges for supplying the requested information, and I am willing to pay the required fee.

I look forward to your response within the stipulated time under the RTI Act.”

3. **Reply of the Respondent** - The respondent, in response to queries of the application, informed that the information sought is not available with SEBI. The respondent further informed that Justice Lodha Committee having been constituted by an order dated February 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. The respondent also informed that the contact details of the committee and the details of PACL Matters- Public Notices, Press Releases, Status Report, and FAQs etc. are available on SEBI website and provided the links for accessing the same.
4. **Ground of appeal** - The appellant filed the appeal on the ground that the information provided was incomplete, misleading and false information.
5. 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. 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." 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 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: October 04, 2024

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