

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

Appeal No. 5799 of 2023

Jagdish Chand Chaudhary	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated August 11, 2023 (received by Securities and Exchange Board of India {hereinafter referred to as “**SEBI**”} on August 18, 2023) under the Right to Information Act, 2005 (hereinafter referred to as “**RTI Act**”). The respondent, by letter dated August 31, 2023, responded to the application filed by the appellant. The appellant filed an appeal dated September 11, 2023 (received by the Office of Appellate Authority on September 18, 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. **Request in the application-** The appellant, in his application dated August 11, 2023, inter alia, sought the information regarding refund of money to certain investors of PACL Ltd. The appellant had enclosed the list of such investors along with his application.
3. **Reply of the Respondent-** The respondent, in response to the queries vide letter dated August 31, 2023 informed as follows:

“The information sought is not available with SEBI.

Further the Justice Lodha Committee having been constituted by an order dated 2/02/2016 of the Hon’ble Supreme Court of India is not a Public Authority within the meaning under section 2(b) of the RTI Act, 2005 and hence would not fall within the purview of the said Act.

However, contact details of the committee is available on SEBI website at the below given link:

[http://www.sebi.gov.in/documents/justice%20\(Retd.\)%20R%20M%20Lodha%20Committee-july2023.pdf](http://www.sebi.gov.in/documents/justice%20(Retd.)%20R%20M%20Lodha%20Committee-july2023.pdf)

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

With regard to the PACL refund, you may refer to the following links: -

<http://www.sebi.gov.in/documents/public%20notice%20%E2%80%93%20Facility%20for%20investors%20of%20PACL%20Ltd.june,2023.pdf>

Further, you may also note that since your above referred letter is addressed to the Nodal Officer cum Secretary, a copy of your letter has been forwarded to the Nodal Officer, PACL.”

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 has submitted as follows:

“With reply of your as para No. as highlighted because I live in such hard area where facility of mobile and internet & e.mail. is like Zeero.

So you are requested to send me hard copies of (highlighted e.mail) these mail so that I may be able to readout this all from other educted people and give reply/ response to all depositor in time.

So please send me hard copies of all e.mails”

5. I have perused the requests made by the appellant and the response provided by the respondent. While the respondent had provided the link pertaining to contact details of Justice Lodha Committee to the appellant vide its letter dated August 31, 2023, it is observed that there has been an updation with respect to the said details as on September 8, 2023. The same is available on the link :

[https://www.sebi.gov.in/documents/Justice%20\(Retd.\)%20R.%20M.%20Lodha%20Committee%20in%20the%20matter%20of%20PACL%20Limited-Aug2023.pdf](https://www.sebi.gov.in/documents/Justice%20(Retd.)%20R.%20M.%20Lodha%20Committee%20in%20the%20matter%20of%20PACL%20Limited-Aug2023.pdf). Copy of the updated contact details will

be also enclosed with this order and sent to the appellant.

6. Notwithstanding the above, 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 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.

7. Further, the appellant in his appeal has inter alia requested for hardcopies of “*highlighted e.mails*”. On perusal of the appeal, it is observed that the appellant has highlighted all the links provided by the respondent in its reply dated August 31, 2023. The said request of the appellant appears to be vague and not specific. In this regard I note that the Hon’ble CIC in the matter of *Ms. Sarika Jain vs National Hydroelectric Power Corporation Limited* (order dated April 25, 2014) held that “*As regards the first part i.e. copies of all documents in relation to the contracts mentioned in the RTI application, the Commission finds that the term "all" used by the Appellant here is very vague and does not pin point the particular document she wants to obtain from the Respondents. The Appellant is, therefore, advised to be more specific and identify the documents she wants to obtain from the Respondents ...*”
8. 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. Additionally, I note that the respondent has also forwarded the appellant’s letter to the Nodal Officer, PACL.
9. 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 9, 2023

B RAJENDRAN

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