

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

Appeal No. 5182 of 2022

Meera Devi : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated May 17, 2022 (received by SEBI on May 20, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to refund in the matter of PACL Ltd. The respondent, by a letter dated June 09, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 08, 2022 (received by the Office of Appellate Authority on July 13, 2022).

With

Appeal No. 5183 of 2022

Sanju Devi : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated May 17, 2022 (received by SEBI on May 20, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 09, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 08, 2022 (received by the Office of Appellate Authority on July 13, 2022).

With

Appeal No. 5184 of 2022

Prakash Maurya : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated May 04, 2022 (received by SEBI on May 09, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated May 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 08, 2022 (received by the Office of Appellate Authority on July 13, 2022).

With

Appeal No. 5185 of 2022

Harishchandra Kalal : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated May 02, 2022 (received by SEBI on May 05, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated May 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 07, 2022 (received by the Office of Appellate Authority on July 13, 2022).

With

Appeal No. 5186 of 2022

Sureshbhai Amarsang Gogil : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed six applications dated May 18, 2022 (received by SEBI on May 20, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a common letter dated June 09, 2022, responded to the applications filed by the appellant. The appellant filed an appeal dated July 09, 2022 (received by the Office of Appellate Authority on July 13, 2022).

With

Appeal No. 5187 of 2022

Dilip Kumar Mehta : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated May 05, 2022 (received by SEBI on May 09, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated May 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 07, 2022 (received by the Office of Appellate Authority on July 13, 2022).

With
Appeal No. 5188 of 2022

Ram Naresh : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated May 04, 2022 (received by SEBI on May 09, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 09, 2022 (received by the Office of Appellate Authority on July 14, 2022).

With
Appeal No. 5189 of 2022

Shyam Ji Katiyar : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated May 04, 2022 (received by SEBI on May 10, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 03, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 09, 2022 (received by the Office of Appellate Authority on July 14, 2022).

With
Appeal No. 5190 of 2022

Ramesh Kumar Maurya : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated May 04, 2022 (received by SEBI on May 10, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated May 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 09, 2022 (received by the Office of Appellate Authority on July 14, 2022).

With

Appeal No. 5191 of 2022

Mubarak Ali : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated May 04, 2022 (received by SEBI on May 12, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated May 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 09, 2022 (received by the Office of Appellate Authority on July 14, 2022).

With

Appeal No. 5192 of 2022

Prajapati Dalpatbhai : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed six applications dated May 18, 2022 (received by SEBI on May 20, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a common letter dated June 09, 2022, responded to the applications filed by the appellant. The appellant filed an appeal dated July 12, 2022 (received by the Office of Appellate Authority on July 15, 2022).

With

Appeal No. 5193 of 2022

Hansaji Ishwarji Prajapati : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated May 02, 2022 (received by SEBI on May 07, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated May 30, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 12, 2022 (received by the Office of Appellate Authority on July 15, 2022).

With

Appeal No. 5194 of 2022

Babubhai Rupaji Darji : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed an application dated May 02, 2022 (received by SEBI on May 06, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The appellant filed an appeal dated July 12, 2022 (received by the Office of Appellate Authority on July 15, 2022).

With

Appeal No. 5195 of 2022

Jayanaben A. Lad : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed six applications dated May 18, 2022 (received by SEBI on May 20, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a common letter dated June 09, 2022, responded to the applications filed by the appellant. The appellant filed an appeal dated July 12, 2022 (received by the Office of Appellate Authority on July 15, 2022).

With

Appeal No. 5196 of 2022

Jyotiben Dineshbhai Prajapati : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

The aforesaid appellant had filed six applications dated May 18, 2022 (received by SEBI on May 20, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a common letter dated June 09, 2022, responded to the applications filed by the appellant. The appellant filed an appeal dated July 12, 2022 (received by the Office of Appellate Authority on July 15, 2022).

With
Appeal No. 5197 of 2022

Meenaben Vijaykumar Gajjar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed six applications dated May 18, 2022 (received by SEBI on May 20, 2022) under the Right to Information Act, 2005 (“RTI Act”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a common letter dated June 09, 2022, responded to the applications filed by the appellant. The appellant filed an appeal dated July 11, 2022 (received by the Office of Appellate Authority on July 15, 2022).

With
Appeal No. 5198 of 2022

Mohan Raikwar	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed an application dated May 16, 2022 (received by SEBI on May 21, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 16, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 11, 2022 (received by the Office of Appellate Authority on July 15, 2022).

With
Appeal No. 5199 of 2022

Sanjeev Sakhare	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed three applications dated May 23, 2022; May 27, 2022 and June 06, 2022 (received by SEBI on May 27, 2022; May 31, 2022 and June 09, 2022 respectively) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a common letter dated

June 22, 2022, responded to the applications filed by the appellant. The appellant filed an appeal dated July 11, 2022 (received by the Office of Appellate Authority on July 15, 2022).

With
Appeal No. 5200 of 2022

Devnath Ghangare	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

The aforesaid appellant had filed an application dated May 12, 2022 (received by SEBI on May 17, 2022) under the Right to Information Act, 2005 (“**RTI Act**”), with respect to the refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. The respondent, by a letter dated June 09, 2022, responded to the application filed by the appellant. The appellant filed an appeal dated July 11, 2022 (received by the Office of Appellate Authority on July 15, 2022).

ORDER

1. I have perused the above mentioned applications, responses and appeals filed by the appellants. In all the applications, the appellants have sought similar information pertaining to refund in the matter of PACL Ltd. and constitution of the Justice (Retd.) R. M. Lodha Committee. Further, I find that identically worded applications and appeals (except date and name of applicant/ appellant), have been filed by the appellants in the said matter. As the grounds of appeals and issues involved are identical, I am dealing with all the aforesaid appeals, in this order.
2. The respondent, in response to the aforesaid applications, observed that the information sought by the appellants, 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. The appellant was advised to refer to the public notices dated July 31, 2021 and April 12, 2022 regarding status of refund and submission of original certificates for refund. Further, the respondent had provided links for accessing the said public notice.
3. **Ground of appeal-** On perusal of the appeals, it appears that the appellants are not satisfied with the response provided by the respondent. Further, the appellant, in their appeals, *inter alia*, submitted that the respondent, instead of providing the information, advised the appellants to contact the Justice (Retd.) R. M. Lodha Committee. Further, all the important information related to Lodha Committee is available in

the SEBI website. The appellants, in their appeals, *inter alia*, queried why their applications were not transferred to the Lodha Committee under section 6(3) of the RTI Act.

4. I have perused the queries raised by the appellants and the response provided by the respondent. 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. On consideration, I find no reason to disbelieve the response of the respondent that the requested information is not available with SEBI. 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 the same, I do not find any deficiency in the response.
5. Notwithstanding the above, I note that the details of PACL – Status Report, FAQs, Press Releases and Public Notices etc. are available on SEBI website (www.sebi.gov.in) at : <https://www.sebi.gov.in/PACL.html> Further, there is a dedicated website with regard to PACL refund – <https://sebicommitteeacrefund.com>. Additionally, the email address of the Committee is - nodalofficerpac@sebi.gov.in
6. Further, I note that the Hon'ble CIC, in the matter of *Mr. Meraj Ahmad vs. CPIO, SEBI* (Order dated October 18, 2019), had dealt with similar subject matter regarding refund in the matter of PACL Ltd. The respondent, in the said matter had informed that in the matter of M/s PACL Ltd., SEBI passed various orders which were available on SEBI website at the link indicated in their letter i.e., "Enforcement-Orders-Orders of Chairman/ Members". Furthermore, it was informed that on February 02, 2016, the Apex Court had appointed a special committee for disposing of the land purchased by PACL Company so that sale proceeds could be paid to the investors. In addition, the Supreme Court vide order dated November 15, 2017 appointed Shri R. S. Virk, District Judge (Retired) to hear the grievances of the applicants. The Complainant was also advised to file First Appeal with the FAA if he so desired. Keeping in view the facts of the case and the submissions available on record, the Hon'ble CIC decided that no further intervention of the Commission was required in the matter.

7. In view of the above observations, I find that no further intervention of this forum is warranted at this stage. The appeals are accordingly dismissed.

Place: Mumbai

Date: August 12, 2022

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