

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

Appeal No. 5686 of 2023

Arun Kumar Gupta	:	Appellant
Vs		
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated April 26, 2023 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated May 24, 2023, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/23/00106) dated May 24, 2023, against the said response dated May 24, 2023. 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, vide his application dated April 26, 2023, sought the following information:

“My self Arun Kumar Gupta having PAN : AA.....6K. As per ex-parte ad interim order no wtm/rka/isd/54/2015 dated 29.06.2015 issued Mr. Rajeev Kumar Agarwal, Whole Time Member, SEBI (attached herewith) my demat and trading account freeze for holding enquiry mentioned on page no 15 and name mentioned at serial no 17 on page no 16. The original file is more than 1 MB, in original file please read page no 34 and 35. As per CDSL reply, my accounts are still freeze due to the order dated 29.06.2015 I, now want to know :

- 1. Is there any case pending against such order?*
- 2. If not, please clear when my trading and demat account will de-freeze?”*
3. The respondent, in response to the aforesaid queries, informed that pursuant to investigation, if any regulatory action is taken by SEBI, the same would be available in public domain, on the SEBI website under the head: Enforcement. The respondent also advised the appellant to refer to SEBI website for

updated information from time to time. The respondent also informed regarding the Adjudication Order dated February 25, 2022 passed against the appellant in the matter of HPC Bioscience Ltd.

4. **Ground of appeal-** The appellant has filed the appeal on the ground that the information provided was incomplete, misleading or false. The appellant, in his appeal, *inter alia*, requested to clearly inform if any case is pending with respect to the order dated June 29, 2015 issued by SEBI.
5. I have perused the queries and the response provided thereto. I note that an *ex-parte ad- interim* order dated June 29, 2015 was passed by SEBI and certain directions were issued against the appellant in the matter of dealings in the shares of Eco Friendly Food Processing Park Ltd., Esteem Bio Organic Food Processing Ltd., Channel Nine Entertainment Limited and HPC Biosciences Ltd. The appellant, vide his application, sought information regarding whether any case is pending in relation to such *ex-parte ad- interim* order, since his demat and trading accounts are still frozen. In my view, the query of the applicant regarding pending proceedings (if any) in the matter, has not been adequately addressed.
6. Considering the above observations, I remit the application to the respondent for *de novo* consideration of query numbers 1 and 2 and sending appropriate response to the appellant in terms of RTI Act, within 15 working days from the date of receipt of this order.
7. The Appeal is accordingly disposed of.

Place: Mumbai

Date: June 20, 2023

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