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

Appeal No. 4324 of 2021

Bharat Dhanji Pindoria	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated May 18, 2021 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 ("**RTI Act**"). The respondent, by a letter dated June 07, 2021, responded to the application filed by the appellant. The appellant filed an appeal dated June 16, 2021, against the said response dated June 07, 2021. 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 May 18, 2021, *inter alia*, sought information as to why SEBI constituted committee under the Supreme Court for PACL. The appellant referred to his refund application and sought further information as to why the committee, in its mail dated February 26, 2021, did not specify the duration of months for refund and the name of the scrutinizing officer who had verified the policy. The appellant also queried why Retired Justice R M Lodha is not replying to the mails. In addition to the same, the appellant sought the reason for not releasing Rs. 6250.

3. The respondent, in response to the queries, observed that the information sought by the appellant, is not available with SEBI. However, the appellant was advised to contact the Justice (Retd.) R.M. Lodha Committee. The respondent had provided the link for accessing the details of the Committee, for further communication. The appellant was also advised to refer the public notice dated July 31, 2020 for status of refund. It was also informed that vide public notice dated October 15, 2020, the Committee had provided the investors a facility to view the status of/ deficiency in their claim applications and make good those deficiencies for investors/applicants with claims upto Rs. 7,000/-. Further, the respondent had provided links for accessing the said public notices.

4. **Ground of appeal-** The appellant has submitted the appeal on the ground that he is not satisfied with the response provided by the respondent.

5. I have perused the application and I find no reason to disbelieve the said observation of the respondent that the information sought is not available with SEBI. It is understood that the responsibility of disposal of the properties and repayment to investors, is entrusted with the PACL 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 refund process is being handled by the said Committee. Upon a consideration of the aforesaid, I find no deficiency in the respondent's response to the instant query of the appellant's application.

6. Further, with respect to the appellant's application seeking reason for constitution of the PACL Committee, reason for not specifying the duration of months for refund and the name of the scrutinizing officer who had verified the policy and reason for not replying to mails, I am of the opinion that the same is in the nature of eliciting a clarification or opinion from the respondent. It is understood that the respondent is not supposed to create information; or to interpret information; or to furnish clarification to the appellant under the ambit of the RTI Act. I find that the said queries cannot be construed as seeking 'information' as defined under section 2 (f) of the RTI Act. Consequently, the respondent did not have an obligation to provide such clarification under the RTI Act. In this context, reference is made to the mater of *Vineet Pandey vs. CPIO, United India Insurance Company Limited* (Judgment dated January 21, 2021), wherein similar observations were made by the Hon'ble CIC. Further, in the matter of *Shri Shantaram Walavalkar vs. CPIO, SEBI* (Decision dated January 17, 2013), I note that the Hon'ble CIC held: *"... we would also like to observe that, under the Right to Information (RTI) Act, the citizen has the responsibility to specify the exact information he wants; he is not supposed to seek any opinion or comments or clarifications or interpretations from the CPIO..."*.

7. Further, it is understood 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 and details of property of PACL Ltd. are available at https://www.auctionpacl.com and www.sebipaclproperties.com. Further, there is a dedicated website with regard to PACL refund – https://sebicommitteepaclrefund.com.

8. I find that the respondent has adequately guided the appellant to access the contact details of the Committee. In addition to the same, the email address of the Committee is mentioned below-
E-mail address: nodalofficerpacl@sebi.gov.in.

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: July 15, 2021

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