

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

Appeal No. 3912 of 2020

L C Gupta : Appellant
Vs.
CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated June 27, 2020 (received by SEBI on July 09, 2020), under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated July 30, 2020, responded to the application filed by the appellant. The appellant filed an appeal dated September 08, 2020 (received by the Office of Appellate Authority on September 17, 2020), against the said response dated July 30, 2020. 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 June 27, 2020, *inter alia* sought the following information:
 - A. *Copy of receipt of letter 19.08.2019 having ref. no. LCK/C&AG/2019-139/285/10C of complaint against NBCC Ltd. & M L Puri & Co. chartered accountants (auditor) for f/y 2018-19 of scandal in removal of statutory auditor LC Kailash and Associates from auditorship of HSCC(I) Ltd. f/y 2018-19 (100% Subsidiary of holding company- NBCC Ltd. on NSE & BSE)*
 - B. *Copy of file notings and proceedings in the above complaint dated 19/08/2020.*
 - C. *Copy of action taken on a complaint ref. no. LCK/C&AG/2019-139/285/10C.*
 - D. *Has SEBI, based on our letter as stated above, filed an application under Rule 76A of NCLT Rule -2016 in form no. NCLT-9 for reopening of books of accounts and for recasting of Financial Statements of HSCC(I) Ltd. and NBCC(I) Ltd. under Section 130 of the Act.*
 - E. *Copy of application filed under Rule 76A of NCLT and current status of the application.*

3. The respondent, in response to the queries, informed that letter dated August 19, 2019 and bearing reference no. LCK/C&AG/2019-139/285/10C, was not received by SEBI and hence no information was available with SEBI. It was informed that SEBI was in receipt of letter dated August 19, 2019 (without bearing any reference number) and with respect to the subject matter of the application. Further, it was informed that the allegations in the complaint letter dated August 19, 2019 pertained to an unlisted entity regarding violations of certain sections of Companies Act which were under the purview of Ministry of Corporate Affairs. Hence, the above referred complaint was forwarded to Registrar of Companies, Delhi.
4. **Grounds of appeal-** On perusal of the appeal, it appears that the appellant has filed the appeal on the ground that the requested information was not provided to the appellant. The appellant has *inter alia* alleged that the information is incorrect and that HSCC India Ltd. is the 100% subsidiary of NBCC India Limited. The appellant has also submitted that the denial of information and transfer of application to ROC Delhi amount to intentional denial of information.
5. I note that the appellant, in his application, has sought information with respect to his complaint dated August 19, 2019, against *HSCC(I) Ltd.*, filed with SEBI. I note that the respondent has clearly informed the appellant about the action taken by SEBI on his complaint, that is, the complaint has been forwarded to the Ministry of Corporate Affairs. I do not have any reason to disbelieve the said observation of the respondent. I note that the respondent has adequately addressed the query by providing the information regarding the action taken with respect to the letter dated August 19, 2019. Accordingly, I do not find any deficiency in the response.
6. The appellant, in his appeal, has questioned the correctness of the information provided by the respondent. In this context, it is observed that the Hon'ble High Court of Delhi, in *Hansi Rawat & Anr. vs Punjab National Bank & Ors.* (LPA No. 785/2012-decision dated January 11, 2013) held that “*the proceedings under the RTI Act cannot be converted into proceedings for adjudication of disputes as to correctness of the information furnished.*” Further, I note that the appellant has also made submissions regarding transfer of application to ROC, Delhi. It is totally different matter if the appellant is aggrieved by the action taken on his complaint for which the remedy is not under the RTI Act. For this purpose, the appellant is free to approach such forum that may have the power to address the grievance, as held by the Hon'ble CIC in the matter *Shri Hari Shanker Mishra Vs. CPIO, SEBI and Anr.* (Order dated April 30, 2009).

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 07, 2020

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