

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

Appeal No. 6744 of 2026

Ajay Basudev Bose : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated January 16, 2026 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated February 03, 2026 responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/26/00062) dated February 10, 2026. 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, in his application dated January 16, 2026, sought the following:

“.... Under RTI act please provide information related to Recovery Notice issued by Recovery Division Northern Regional office Reference: Attachment Proceedings 15051 of 2025 Certificate No 8624 of 2025 dated 13th February 2025 by Recovery Officer in the proceedings for Recovery of Rs 12,31,59,849 towards Penalty imposed by AO vide order no WTM/AB/EFD/1/DRA-2/19/2018-19 dt 9th February 2019 in the matter of Moongipa Investment Limited (PAN xxxxxxxx), Madbur Agarwal (PAN xxxxxxxx),Sudhir Agarwal (PAN xxxxxxxx) and Shiv Kumar Agarwal (PAN xxxxxxxxxx) Defaulters (Jointly)

In view of the aforesaid facts kindly provide information under RTI act

- 1) *Till date Total Amount recovered from the above mentioned Defaulters*
- 2) *Whether above mentioned Recovery by Defaulters handed over to CBI / ED / Economic Offence Wing*
- 3) *If so what is the Status of Investigation*
- 4) *Please provide copy of Action Taken Report ATR till date in above mentioned Recovery case*

Note - Information is being sought in larger public interest as Investors hard earned money is siphoned by above mentioned Defaulter”

3. **Reply of the Respondent** –The respondent, in response to query no. 1 in the application, informed that recovery proceedings in the case are ongoing. The respondent also informed that attachment notice has been issued to the banks/ mutual funds/post offices/depositories, on December 12, 2025, for attaching the accounts of the defaulters. Further, the respondent has informed that no amount was recovered as on the date of reply.

The respondent, in response to query nos. 2 and 3, informed that “*as per records, neither any amount has been recovered so far, nor handed over to CBI/ED/Economic offence Wing by the Recovery officer.*”

The respondent, in response to query no. 4, informed that actions taken in the case have been duly uploaded on the website of SEBI under the head “Enforcement-Recovery Proceedings”.

4. **Ground of appeal** – The appellant has filed the appeal on the ground that he was provided incomplete, misleading or false information.
5. I have perused the application and the response provided thereto. With regard to query nos. 1, 2 and 3, I note that respondent has adequately addressed the queries by providing the information available to him.
6. With regard to query no. 4, I note that respondent has informed that the action taken/recovery proceedings undertaken in the matter are made available on SEBI website. Hence, I note that the requested information is available on SEBI website. In this context, I note that the Hon’ble Delhi High Court in *Registrar of Companies & ors. Vs. Dharmendra Kumar Garg & anr.* and the Hon’ble CIC in *Shri K Lall vs. Shri M K Bagri* (CIC/AT/A/2007/00112, order dated April 12, 2007) held that if the relevant information is available in the public domain, the same cannot be said to be information held by the public authority and consequently there is no obligation to provide such information to an applicant under the RTI Act. Accordingly, I do not find any deficiency in the said response of the respondent.

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: March 05, 2026

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