

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

Appeal No. 6896 of 2026

Sumit Saurabh : Appellant

Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated April 02, 2026 received by SEBI through RTI MIS portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated April 30, 2026 responded to the application filed by the appellant. The appellant filed an appeal dated May 21, 2026 (Reg. No. SEBIH/A/E/26/00190). I have perused the application, the response of the respondent 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 02/04/2026 sought the following information:

“1. Investigation of Omkara ARC’s ‘Inflated’ Claim:

As per the creditors’ list (December 2024), Omkara Assets Reconstruction Company (ARC) has a claim of ₹3,198 crore, whereas the original loan amount was around ₹21.25 crore.

Has SEBI investigated how an ARC claimed 150 times the original amount?

Is this an attempt to capture 99.15% voting power through insider methods?

Provide a certified copy of the investigation.

2. ‘Double Standards’ in Debt Acceptance:

The Resolution Professional (RP) rejected dues of EPFO (₹12.58 crore) and the Sugarcane Department (₹44.52 crore), stating they relate to the ESIL lease period (1994–2006).

However, Omkara ARC's ₹3,198 crore claim from the same period was accepted.

Has SEBI investigated this discriminatory treatment and possible promoter collusion?

Provide a certified copy.

3. Fraudulent Listing of an 'Inoperative' Mill:

According to Form G submitted by the RP, the mill has been non-operational for nearly a decade (since ~2015 or earlier).

However, BSE granted direct listing in 2014.

Did SEBI verify the Information Memorandum claiming false "capacity expansion"?

Provide a copy of the investigation report.

4. SEBI's Action on Administrative Order (12 Dec 2025, Memo 3752):

The Motihari district administration removed 149 acres of disputed land from the restricted list and opened it for private builders.

Has SEBI taken any action to prevent asset leakage and protect investor funds?

5. Auditor Accountability (BDS & Co.):

The company appointed M/s BDS & Co. as statutory auditors on 13 June 2022.

Has SEBI conducted a forensic audit of accounts certified by them, especially when operations were zero but financial claims were huge?

6. Responsibility for Fraudulent Listing of a 'Dead' Unit:

On what physical verification report did SEBI/BSE allow listing of a non-operational mill in 2014?

Provide the name and designation of the officer who approved the allegedly false Information Memorandum (fraud under IPC Section 420).

7. Concealment of ₹51 Crore Liability (Electricity Disconnection):

NBPDCL records show power supply was disconnected in 2004–05 due to ₹51.39 crore dues.

Was SEBI aware of this liability at the time of listing?

If yes, why was it hidden from investors?

If not, what action has been taken under IPC Sections 409 and 120B?

8. 45-Day Validity of BSE 'In-Principle' Approval:

BSE's approval (5 Feb 2014) was valid only for 45 days.

Were all formalities completed within this period?

If not, under what rule was listing allowed later?

Provide SEBI's extension report.

9. Non-Demat Promoter Shares & 'T-Group' Listing:

BSE placed the company in T-Group because promoters' shares were not fully in demat form.

How was a closed mill allowed to trade despite strict direct listing norms?

Was this part of a conspiracy to trap investors?

10. Omkara ARC Claim vs Security Interest:

Loans secured were only ~₹21.25 crore, but claim accepted is ₹3,198 crore.

Why did SEBI allow full claim as "secured" giving 99.15% voting power?

Is this asset inflation under Companies Act Section 447?

11. Legal Contradiction in ESIL Lease Period:

Government dues from lease period rejected, but bank dues accepted.

Provide SEBI's monitoring report on this inconsistency.

12. Auditor Resignation & Casual Vacancy:

BDS & Co. was appointed due to resignation of previous auditor.

Did SEBI investigate reasons for resignation just before CIRP?

Provide ADT-1/ADT-3 filings submitted.

13. Closure of Trading Window Despite Suspension:

Company has been suspended since 2018, yet trading window closure was declared in Dec 2024.

What is the legal validity of this?

Was it used for off-market transfers?

14. Insider Trading & Promoter Exit:

On 14 Aug 2014, promoter Bimal Kumar Nopany transferred 2,00,000 shares to his nephew citing medical reasons.

Has SEBI investigated this under insider trading regulations?

Was any criminal complaint filed? .

3. **Reply of the Respondent** – The respondent, in response to the application, informed that the information sought is vague and not specific. Accordingly, the same cannot be construed as “information” as defined under section 2(f) of RTI Act.
4. **Ground of appeal** – The appellant has filed the appeal on the ground that he was refused access to the information requested.
5. I have perused the application and the response provided thereto. On consideration, I concur with the response of the respondent that the queries are vague and not specific. It is an established law that the information sought for in order to be disclosable under the RTI Act, must be clear, specific and available in the records of the public authority. In this context, I note that in the matter of *Mr. T. V. Sundaresan vs. CPIO, Securities and Exchange Board of India* (Decision dated November 24, 2021), the Hon'ble Central Information Commission (hereinafter referred to as “**CIC**”) held: “*The framework of the RTI Act, 2005 expects that the*

information sought is specific and believed to be existing with the public authority in documented or material form as such; which can be shared with the appellant as per the provisions of the RTI Act. Answering to broad, multiple and general queries and presumptive documents that should have been generated as per the expectation of the appellant cannot be furnished under the provisions of the Act.” Accordingly, I do not find any deficiency in the response of the respondent.

6. 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: June 18, 2026

RUCHI CHOJER

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