

**IN THE PAKISTAN INFORMATION COMMISSION ISLAMABAD**

APPEAL NO. 963-3-2021

Miss Saira Javed

Vs

Security and Exchange Commission of Pakistan

Date: 21.6.2021

Fawad Malik: Information Commissioner

**A. APPEAL.**

1. Miss Saira Javed has filed the appeal dated 16.3.2021 before the Pakistan Information Commission complaining that her request for the provision of the information and documents has not been responded by the Security Exchange Commission of Pakistan within the time frame provided in the Right of Access to Information Act, 2017.
2. Through the application dated 7.1.2021 addressed to the Chairman, Security Exchange Commission of Pakistan under the Right of Access to Information Act, 2017 read with Article 19A of the Constitution of Pakistan, the requested information reads as under:
  1. *Have the appeal dated 03-01-2019 titled 'appeal u/s 468 of the Companies Act 2017, against order dated 08-10-2018, received on 8-12-2018, under Companies Act 2017, Failure to issue certified copies of forms / or Failure to receive special return dated 8-9-2018, violation of statutory obligations', been decided? If yes please provide a copy.*
  2. *If the above said appeal is not decided, please provide with the reason.*
  3. *Please state the time limit set in law for deciding an appeal.*
  4. *Please confirm how many appeals have been decided after filing of above said appeal on 3-1-2019.*
  5. *Please confirm how many appeals filed under section 468 of the Companies Act 2017 are pending.*
  6. *Please provide the date of the pendency of the appeals.*

3. The letter was acknowledged by the Assistant Director of the public body vide letter dated 13-1-2021 with intimation that the process on the matter is in progress.

**B. PROCEEDINGS.**

4. On the intervention of the Commission through notice the Assistant Director submitted the reply dated 14-4-2021 duly endorsed by the Executive Director/ Designated Officer of the respondent public body. The reply is reproduced as under:

*2. In this connection, we would like to inform that the appeal titled “Appeal u/s 468 of the Companies Act, 2017, against order dated October 08,2018, received on December 18, 2018 under the Companies Act, 2017, failure to issue certified copies of Dorms and/ or failure to receive special returns dated 8-9-2018- violation of statutory obligations” dated January 03, 2019 (the appeal) is not decided yet due to the reason that the matter has a long history starting from the year 2003 and involves multiple pending litigations in various courts of law the record of which was being collected for an informed decision on the matter. This is important since the entire controversy is with regard to parallel filing of Form 29 by several parties and title of the shares. In this regard, the complainant was also sent various letters to confirm the current status of these litigations. Further, COVID-19 also caused unforeseen delay in the proceedings before the Registrar, however, we are trying our best to ensure speedy and fair decisions in the matters.*

*3. Please note that there is no time limit set in the law for the decision of said appeals however we ensure that the appeals are decided within an appropriate time frame even in the current extra-ordinary circumstances. Moreover, we are in the process of digitalizing our database due to which it will not be possible to share the detail of the pendency of appeals and number of decisions at the moment. However, we are committed to ensure provision of all public information as required under the law.*

*4. Furthermore, we would like to communicate that subject appeal has been scheduled for hearing on April 29, 2021 at 2 PM before the Registrar of Companies (ROC) and the hearing letter has been sent to the appellant in the matter.*

5. The appellant through letter dated 18-5-2021 has filed the dissatisfaction with the reply.

**C. COMMISSION’S VIEW.**

6. The appellant has placed on file her dissatisfaction with the information shared by the respondent but has not pointed out her concern specifically to highlight the shortfall or the query that remained unattended by the respondent in the reply. Mere dissatisfaction without any logic or reason is not acceptable. The Commission is of

- the view that the respondent has validly acknowledged the application and later although with a delay but has provided the required information.
7. The publication including uploading over the internet all categories of information and record mentioned in section 5 of the Act is mandatory for the public bodies. Had the respondent complied with this provision, only provision of the website link would have been required.

D. ORDER.

8. The appeal has borne fruit and does not call for any further interference by the Commission. The Executive Director/Designated Officer, the Security Exchange Commission of Pakistan is directed to implement the mandatory provision of section 5 of the Act in letter and spirit under intimation to this Commission within one month of the receiving this order.

Mohammad Azam  
Chief Information Commissioner

Fawad Malik  
Information Commissioner

Zahid Abdullah  
Information Commissioner

Announced on 21.6.2021

Certified that this order consists of three pages, each page has been read and signed.