

Before the Registrar of Cooperative Societies-cum-First Appellate Authority
Under the Right to Information Act, 2005.

First Appeal No.17 /2022

Present : Thiru. S.YESVANTHAIYAH

Registrar of Cooperative Societies-cum-First Appellate Authority.

P.Ragupathy,
94 – B, Eswaran Koil street,
Puducherry –605001

> >>>> Appellant

Vs

The President -cum- Public Information Officer,
The Pondicherry Co-operative Housing Society Ltd., No.P.56,
Ilango Nagar,
Puducherry – 605 004.

>>>>> Respondent

ORDER

(Issued under Section 19 of the Right to Information Act, 2005)

The appellant submitted an application dated 09-06-2022, under Section 6 of the Right to Information Act, 2005, (hereafter “the Act”) to the respondent-society and sought for certain information. The respondent-society made an reply to the respondent on 18-06-2022.

2. Aggrieved by the response of the respondent- society, the appellant filed this first appeal dated 05-07-2022, on the ground that the reply of the respondent is not satisfactory.

3. The response of the respondent was called for, vide notice dated 12th July 2022. The respondent society furnished their response vide letter dated 22/07/2022. **(Copy Enclosed)**. On perusal of the available records on the file, it is found the respondent furnished a reply dated 18-06-2022 to the Appellant stating that in pursuance to the *Hon'ble Supreme Court of India order in its judgment made in SLP (C) No.24291 of 102, 13796 & 13797 of 2013 as well as vide circular No.RCS/CLC/SFCS/2014/172 dt.23rd December 2014 issued by the Registrar of Cooperative societies, Puducherry*, the respondent society is not covered under the Act and hence information could not be furnished.

4. It is evident that, the respondent-society would not be a Public Authority in view of the Registrar of Co-operative Societies Circular No.RCS/CLC/SFCS/2014/72 dt.23.12.2014 in as much as the society has not received any financial assistance from the Government. Further, respondent-society relied on the decision of the Hon'ble Apex Court in Thalappalam Service Co-operative Bank Ltd.,. In the said judgment, the Court ruled that, cooperative societies, registered under the Kerala Cooperative Societies Act, would not be Public authorities in the absence of materials to show that they are owned, controlled or substantially financed by the appropriate Government. Based on the decision of the Hon'ble Apex Court, the Cooperative Department issued a Circular dated 23.12.2014, whereby, 260 cooperative societies, which are substantially funded by the Government, were identified for coverage within the

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definition of the "Public Authorities" under Section 2(h) of the Act. The respondent-society was not included in the said circular. It is also found that, the Appellant preferred this appeal without any substantial grounds to defend his plea.

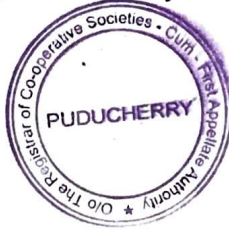
6. It is observed that, the respondent-society has rightly contended that, they are not "Public Authority" in line with the said Circular dated 23.12.2014. Hence, the 2nd respondent-society doesn't fall under the purview of the Right to Information Act, 2005.

7. In view of the reasons stated above, the appeal lacks merits, and hence, dismissed.

8. If aggrieved by this decision, a 2nd Appeal may be filed, under Section 19(3) of the Act, within 90 days, with the 2nd Appellate Authority, whose address is given below:

Central Information Commissioner
Room No.305.II Floor, "B" Wing, August Kranthi Bhavan
Bhikaji Cama Place, NEW DELHI-110 066.

Dated at Puducherry on the 29th day of August , 2022



(S.YESVANTHAIYAH)
Registrar of Cooperative Societies-cum-
First Appellate Authority

To:

1. The Appellant.
2. The Respondent.
- ✓ 3. The Web Editor, Cooperative Dept., Puducherry.
4. Stock File 2022.