

**BEFORE THE REGISTRAR OF CO-OPERATIVE SOCIETIES – CUM – FIRST APPELLATE AUTHORITY
UNDER THE RIGHT TO INFORMATION ACT, 2005.**

First Appeal No.20/2023

Present : Thiru. S.YESVANTHAIYAH

Registrar of Co-operative Societies–cum-First Appellate Authority.

S. Ramalingam,
No.1, Anna Street,
Dr. Radhakrishnan Nagar, Kadirkamam,
Puducherry – 605 009.

> >>>> Appellant

Vs

1. The Deputy Registrar (Audit)-cum-
The Public Information Officer.
Cooperative Department
Puducherry.

2. The Managing Director-cum-Public Information Officer,
The Pondicherry Co-operative Spinning Mills Ltd.,
Thirubuvanai,
Puducherry.

> >>>> Respondents

ORDER

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

The appellant submitted an application dated 06.09.2023, under Section 6 of the Right to Information Act, 2005, (hereafter “the Act”) to the 1st Respondent and the said application was transferred to the 2nd respondent on 07.09.2023, since the information sought by the appellant pertains to the 2nd respondent society. The 2nd respondent society furnished information to the appellant vide letter dated 16.10.2023.

2. Not satisfied by the response of the 2nd respondent- society, the appellant filed this first appeal dated 18.10.2023 stating that, the reply furnished to him was not proper and correct. The response of the respondent were called for, vide notice dated 25.10.2023.

3. The 1st Respondent vide letter dated 30.10.2023 stated that, the 1st respondent has transferred the application under Section 6(3) of the Act to the 2nd Respondent on 06.09.2023 with a direction to furnish the required information directly to the appellant. The 2nd respondent society furnished their response vide letter dated 17.11.2023 stating that, “ the information sought by the applicant / appellant has been denied due to the mill is under closure and functioning from 08.06.2022 onwards and no staff is available due to Lay Off. The Management is not in position to submit information under the RTI Act, 2005.” **(Copy enclosed).**

4. It is found that, the appellant has sought the following information (i) the appellant has sought for information pertaining to the Lay off of the mill, Receipts & Payments statement of the mill for the past 5 financial years from 2017-18 to 2020-2022 and the Gratuity due details etc., (ii) the PIO of the respondent society did not furnished the information to the appellant stating that, The Management is not in position to submit information under the RTI Act, 2005 since the mill is under closure due to Lay Off. (iii) The appellant aggrieved by the response of the 2nd respondent society, filed this appeal on 18.10.2023.

5. In this regard, the response of the respondent society was called for by this Authority. The respondent society vide letter dated 17.11.2023 again reiterated that, "the information sought by the applicant / appellant has been denied due to the mill is under closure and not functioning from 08.06.2022 onwards and no staff is available due to Lay Off. The Management is not in position to submit information under the RTI Act, 2005".

6. On perusal, it is found that, the reason stated by the 2nd respondent mill is not legally valid since the said reason is not provided as an exemption provision under the Act for not providing the information. Accordingly, the reason stated by the respondent society for not furnishing the information, is not sustainable under the Act.

7. In view of the above submissions, the undersigned hereby directs the respondent society to furnish the available information to the appellant as sought in his application dated 06.09.2023 within 15 days from the date of the receipt of this order, at free of cost.

8. With the above directions, this appeal is disposed of.

9. 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 Kranti Bhavan
Bhikaji Cama Place, NEW DELHI-110 066.

Dated at Puducherry on the 30th day of November 2023.

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

Encl: As Stated.

To:

1. The Appellant
2. The Respondents.
- ✓ 3. The Web Editor, Cooperative Dept., Puducherry.
4. Stock File 2023.

