

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

First Appeal No.20/2024

Present : Thiru. S.YESVANTHAIYAH
Registrar of Cooperative Societies–cum-First Appellate Authority.

K. Ravichandran,
S/o.Kannaiyan,
No.76, Kalaimagal Street,
Velrampet,
Puducherry – 605004.

>>>> Appellant

Vs

The Managing Director -cum- Public Information Officer,
The Pondicherry State Co-operative Bank Ltd., P. No.259,
Head office, No.204, East-coast Road,
Olandaikeerapalayam, Mudaiarpot Post,
Puducherry – 605 004.

> >>>> Respondent

ORDER

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

The appellant submitted an application dated 27.08.2024, under Section 6 of the Right to information Act, 2005, (hereafter “the Act”) to the respondent and sought for certain information from the respondent. The respondent-bank furnished the reply to the appellant on 27.09.2024.

2. Aggrieved by the respondent's reply, the appellant filed this first appeal dated 16.10.2024 , on the ground that the respondent bank have given false information under the RTI Act.

3. The response of the respondent-bank was called for; vide notice dated 18.10.2024. The respondent-bank furnished its response vide letter dated 25.10.2024 (**Copy Enclosed**). On perusal, it is observed that the respondent-bank has stated that,

“the applicant has requested the Bank to furnish the information about the details of the EPF account Nos. and the amount outstanding against the retired employees of the Puducherry Public Servants Stores vide his RTI application dt. 27.08.2024. Accordingly, the bank has informed the factual position to the applicant vide the Banks letter No.PSCB/HO/172/2024-25/Estt. dated 27.09.2024. Moreover, it is informed that the applicant has requested the Bank to furnish the information about the Bank's Administrative subject. Further, the Bank has informed that, based on the orders of the Hon'ble Supreme Court of India, the Registrar of Co-operative Societies has issued the list of Co-op. Societies vide circular dated 23.11.2024 which has been directed to entertain the applications and dispose the same in accordance with the Act. Since the PSCB has not been included in the list and does not cover under the RTI Act, 2005 and hence the bank not furnished the information sought by the applicant”

4. From the above, it is evident that, the respondent-bank would not be a Public Authority in view of the Registrar of Co-operative Societies Circular No.RCS/CLC/SFCS/2014/172. 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, in Thalappalam Service Co-operative Bank Ltd., 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 definition of the “Public Authorities” under Section 2(h) of the Act. The respondent-bank was not included in the said circular.

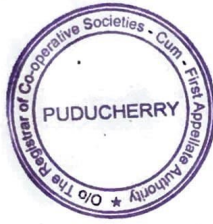
5. It is observed that, the respondent-bank has rightly contended that, they are not "Public Authority" in line with the said Circular dated 23.12.2014. Hence, the respondent-society doesn't fall under the purview of the Right to Information Act, 2005. Further, in the appeal the appellant plea that, a personal hearing is to be held under Section 19 (6) of the Act is not correct, since the said section deals only with the disposal of the First Appeal by the Appellate Authority.

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

7. 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 13th day of November 2024.



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(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 2023.