

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

First Appeal No.30/2022

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

V. Sudhakaran,
'Swagath Villa',
Valavil,
Mahe – 673310.

>>>>> Appellant

Vs

The P.I.O-Cum-Deputy Registrar
Co-operative Department,
Mahe.

>>>>> Respondent-1

The P.I.O-Cum-President,
The Mahe Service Co-operative
Credit Society Ltd., No.P.571,
Mahe – 673 310,
Puducherry State

>>>>> Respondent-2

ORDER

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

The appellant submitted an application dated 4.11.2022, under Section 6 of the Right to Information Act, 2005, (hereafter "the Act") to the 1st respondent and sought for certain information. The respondent-1 has furnished the information sought for at Serial Nos.1 & 2 directly to the appellant vide letter dated 29.11.2022. Further, the respondent-1 transferred the said application to the Mahe Service Co-operative Credit Society Ltd., P.No.571 (Respondent-2) on 9.11.2022, under Section 6(3) of the Act, since the information sought by the appellant from serial Nos.3 to 7 pertains to the society.

2. The respondent-2 did not furnish any information to the appellant, and intimated to the appellant vide letter dated 26.11.2022 that, it is not coming under the purview of the Act, as in accordance with the dictum of the Hon'ble Supreme Court of India. Aggrieved by the response of the respondents, the appellant filed this first appeal dated 5.12.2022 with the plea that, the respondents should be directed to furnish the information as requested in his RTI application dated 4.11.2022. The response of the respondents was called for, vide notice dated 8th December 2022 and 09.01.2023.

3. The respondent-1 has furnished his response vide letter dated 27.12.2022. The respondent has stated that, the information sought by the applicant from Serial Nos.1 & 2 has already been furnished to him vide letter dated 29.11.2022, and the application is forwarded to the President/Public Information Officer of the Mahe Service Co-operative Credit Society Ltd., P.No.571 since the particulars sought for at Serial Nos.3 to 7 are pertaining to the society.

4. The respondent-2 has furnished his response vide letter dated 19.01.2023. The respondent-2 has stated that, they have already replied to the applicant vide letter dated 26.11.2022 and has forwarded copies of the Registrar's Circulars dated 8.1.2015 and 23.12.2014 to show that the Respondent does not fall under the list of 'Public Authority' to entertain the R.T.I. applications and dispose the same in accordance with the Right to Information Act, 2005.

5. On perusal of the response of the 2nd respondent , it is found that the 2nd respondent has misconstrued the provisions of the act and also the information sought by the appellant. At the first instance, the information sought by the appellant in Serial Nos.1 & 2 are already furnished by the 1st respondent and the information to be furnished by the 2nd respondent are for serial Nos.3 to 7 only. For convenience , it is reproduced here under,

Sl . No	Information Sought
3)	Maximum amount of loan that can be granted as per subsidiary regulations may be furnished.
4)	In case a primary credit society /Co – Operative bank can finance another primary credit society / co – operative bank as per rules, a copy of the said Act and rules may be provided.
5)	The rate of interest applicable in respect of mortgage loan from year 2018 till date may be furnished year – wise.
6)	Please state whether Mahe service Co – Operative Bank Ltd.P.571 has ever provided loan on mortgage at a reduced interest rate than the approved rate of the bank to any institution . If yes, the details of the loan, Viz., amount sanctioned , date of sanction and name of the institutions may be furnished.
7)	The present status of the mortgage loan bearing No.13321/2018 sanctioned by Mahe service Co – operative Bank Ltd.P.571 may be furnished.

6. In the above said serial Nos 3 to 7 , it is found that the appellant sought for information as adduced by the 2nd respondent in their response. Further , the plea made by the 2nd respondent , that the information sought by the appellant comes under exempted category, is not substantiated with valid grounds.

7. Therefore , the 2nd respondent is directed to furnish the information , as sought by the appellant in his application on 04.11.2022 at serial Nos 3 to 7 , at free of cost, within 15 days from the date of receipt of this order.

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 Kranthi Bhavan
Bhikaji Cama Place, NEW DELHI-110 066.

Dated at Puducherry on the 31 day. of January, 2023.


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

To:

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