

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

First Appeal No.38/2023

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

A. Raghunathan,
No.3, Veerampattinam Street,
Radhakrishnan Nagar, Ariyankuppam,
Puducherry-605007.

> >>>> Appellant

Vs

Managing Director-Cum- Public Information Officer ,
The Puducherry State Co-operative Bank Ltd., P.106,
No.204, East coast Road, Olandaikeerapalayam,
Mudaliarpot Post,
Puducherry – 605 004.

> >>>> Respondent

ORDER

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

The appellant submitted an application dated 23.02.2024, 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 16.03.2024.

2. Aggrieved by the respondent's reply, the appellant filed this first appeal dated 27.03.2024 , on the ground that the respondent bank has wantonly refused and hiding the facts.

3. The response of the respondent-bank was called for; vide notice dated 28.03.2024. The respondent-bank furnished its response vide letter dated 08.04.2024 (**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 Bank's staff and related administrative subject of the bank. Further, based on the orders of the Hon'ble Supreme Court of India, the respondent Bank is not in a position to furnish the required information to the above said appellant, as per clause 8(1)(d),(j) of the Act and also it is informed that the Co-operative Banks are not covered under the Act, as per the Supreme Court of India's Order SLP(C) No.24291 of 2012, 13796 & 13797 of 2013 dated 07.10.2013 and as per the RCS Circular No. RCS/CLC/SFCS/2014/172 dated 23.12.2014 that the bank is not included in the list of societies and hence the respondent-bank need not furnish the information sought by the appellant”.

4. 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/2014/72 dt.23.12.2014. 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 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's 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 29th day of April 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.