

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

First Appeal No.5/2021

Present: Thiru L.MOHAMED MANSOOR
Registrar of Cooperative Societies-cum-First Appellate Authority.

V.Sudhakaran
"Swagath Villa",
Valavil,
MAHE – 673310.

> >>>> Appellant

Vs

1. The Deputy Registrar -cum- Public Information Officer,
Cooperative Department, MAHE- 673310.
2. The President-cum- Public Information Officer,
The Mahe Co-operative Centre For Information Technology Ltd., No.P.689 >>>>> Respondents

ORDER

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

The appellant submitted an application dated **16-02-2021**, under Section 6 of the Right to Information Act, 2005, (hereafter "**the Act**") to the 1st respondent and sought for certain information in respect of the Mahe Co-operative Centre for Information Technology Ltd. No.P.689 (hereafter "**the society**"). The said application was transferred to the 2nd respondent on 16-02-2021. The 2nd respondent furnished a reply on 09-03-2021 to the appellant.

2. Aggrieved by the respondent's response, stating that the required information was not furnished, the appellant filed this first appeal dated **16-03-2021** (received on 22.03.2021).

3. The response of the respondents were called for. The 1st respondent furnished his response vide letter dt.20-04-2021, wherein the information in respect of Sl.Nos.1 to 4 and 8 are to be found furnished and in respect of for Sl. Nos. 5 to 7 it is stated that the requisite information are not available in their office. The information furnished by the PIO/D.R. Mahe i/c are reproduced below:

Sl.No	Information furnished
1	The society is classified as Non Credit Society
2, 3, and 4	No order / direction was issued by the Registrar of Cooperative Societies to receive fixed deposit. The Society does not have any approved subsidiary regulations for accepting deposits.
8	A copy of the direction of RCS/CLC/Directions/2020/65 dt. 16.10.2020 is enclosed.

4. The 2nd respondent furnished his response vide letter dt.22.04.2021 (recd. On 27.04.2021), wherein it is stated that they will furnish "**a copy of byelaw**", on direction of this Appellate Authority and also found stated that "**the information sought such as names of non-members and deposits etc., are the information relating to commercial confidence and trade secrets and may even endanger personal safety of non-members. It is also added that they are personal information which is no way connected with any public activity and hence the information sought under items 2 to 7 are exempted category under Section 8(1)(d), (g) and (j) of the Act.**"

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 Sl.No.1,2,3,4 and 8 are furnished now by the 1st respondent and the information to be furnished by the 2nd respondent are for Sl.No.5,6,7 only. For convenience, it is reproduced hereunder:

Sl.No.	Information sought
5)	Total number of members and non-members from whom fixed deposits have been collected by the abovementioned cooperative institution and the total amount collected from 2010 to 2019 maybe furnished.
6)	Total amount repaid to members and non-members on maturity of fixed deposits during the period maybe furnished.
7)	Total amount available with the above cooperative institution as fixed deposit which are due to Members and non-members may be furnished.

6. In the above said Sl.No. 5,6,7, it is found that the appellant sought information about the total number of members and non-members only and not the names of non-members and deposits 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 the exempted category under Section 8(1)(d), (g) and (j) of the Act, is not substantiated with valid grounds.

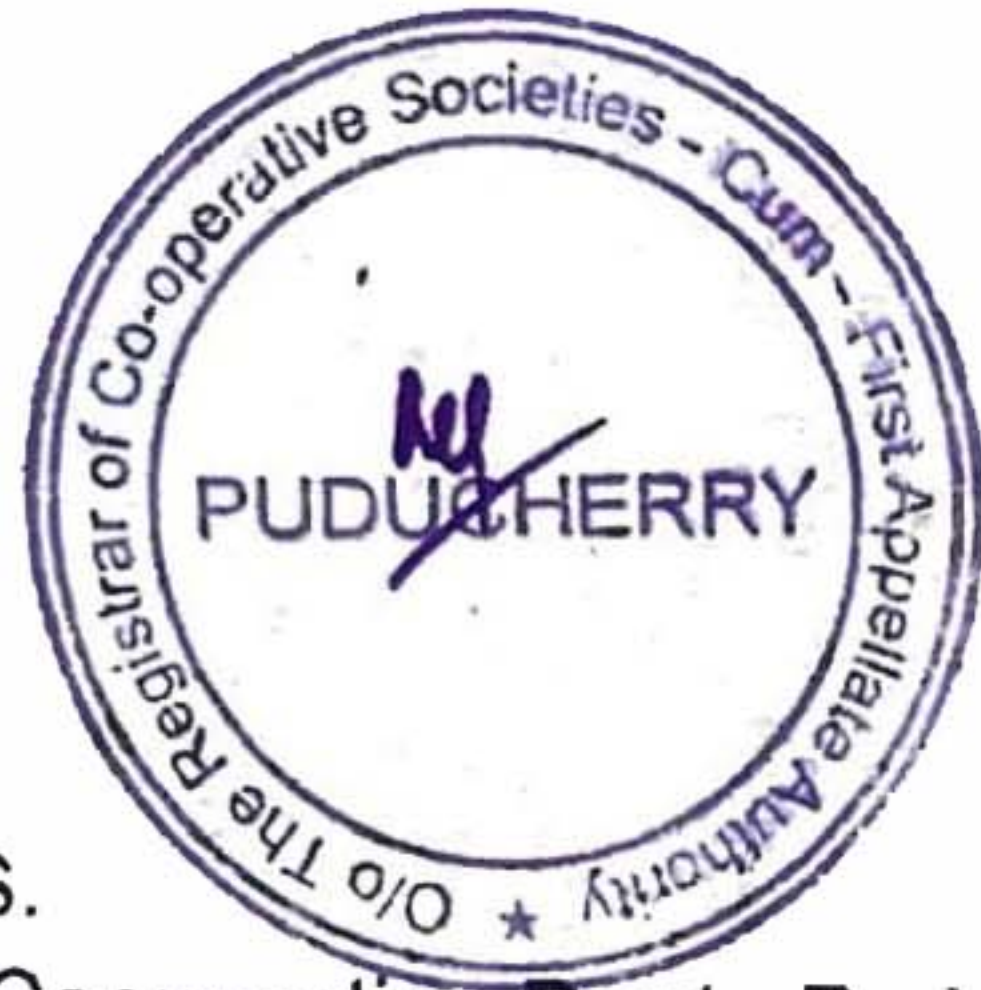
7. Therefore, the 2nd respondent is directed to furnish a copy of the byelaw of the society and to furnish the information in respect of the total number of members and non-members from whom the fixed deposits have been collected, repaid, and the amount due, for the period 2010 to 2019, as sought by the appellant in his application dt.16.02.2021 at Sl. No .5,6, and 7, at free of cost, within 15 days from the date of receipt of this order. Further, the information furnished at pre-para No.3 will meet the end of the appellant, in respect of the information sought at Sl. No. 1,2,3,4 and 8.

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 3rd day of May, 2021



(L. MOHAMED MANSOOR)
Registrar of Cooperative Societies-cum-
First Appellate Authority

To:

1. The Appellant.
2. The Respondents.
- ✓ 3. The Web Editor, Cooperative Dept., Puducherry.
4. Stock File 2021.