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

FA/21/2017

PRESENT: Dr.A.S.SIVAKUMAR
Registrar of Co-operative societies
Cum- First Appellate Authority.

Dr. Mithum Bhaskar.M
Chitathalattu, TC 5/1156(1)
Chavadimukku
Sree Kariyam(Post)
Thiruvananthapuram - 695017

.....Appellant

Vs

1. The PIO - Cum D.R (Audit)
Co-operative Department
Puducherry.
2. The Managing Director - Cum
Public Information Officer
PSC Bank, 100 Feet Road,
Puducherry - 605004

.....Respondents

ORDER

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

Aggrieved by the non receipt of the information from the second respondent, the appellant preferred the first appeal under Section 19 of the Right to Information Act, 2005 (for short the "Act")

2. The facts of this first appeal is briefed hereunder:

2.1 The appellant application, dated 07.08.2017 was received by the P-I-O-Cum - D.R (Audit) on 17.08.2017. The said P.I.O has transferred this application to the M.D, PSC Bank (for brief the "Bank") vide letter dt.21.08.2017 for disposal. marked a copy thereof to this appellant. The Bank has not furnished any information to the appellant.

2.2 Aggrieved by the non receipt of the said information from the bank, the appellant has filed this appeal, seeking to issue direction to the bank to furnish the information sought in his RTI application dt.07.08.2017 and levy penalty for the delay and disrespect to RTI ACT.

3. The appeal was admitted and the respondent was directed to file his response. A copy of the response filed by the respondent is enclosed herewith.

4. The bank has submitted that the bank would not be a public authority in view of the Registrar of Co-operative Societies Circular No.RC'S/CLC/SFCS/2014/172 dt.23.12.2014 is as much as the bank has not received any financial assistance from the Government. The bank relied on the decision of the Hon'ble Apex Court in Thalappalam Service Co-operative Bank Ltd., (Supra). In the said judgment, the court ruled that the co-operative societies registered under the Kerala Co-operative 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 Co-operative Department has issued a circular dated 23.12.2014, classifying 260 societies which are substantially, funded by the Government and hence would fall within the definition of the "Public Authorities" under section 2(h) of the Act.

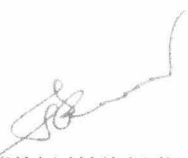
5. The respondent bank has rightly contended that they are not "Public Authority" in line with the Co-operative Department circular dt.23.12.2014. Hence, the respondent bank does not fall under the purview of RTI Act, 2005.

6. In view of the reasons stated above, the appeal lacks merits and stands disposed off accordingly.

7. This order is parted with a cautious note to the respondent bank that it should furnish their reply/information to the applicant whomsoever by a speaking order explaining their legal position in respect of the applicability of RTI Act, 2005. If the bank has furnished such information, this appeal will not be filed before this appellate Authority. This should be scrupulously adhered in future.

8. A second appeal against the decision shall lie with the Central Information Commission, Room No.305, Bhikaji Cama Place, New Delhi - 110 066, within ninety (90) days, as provided under Section 19(3) of the Act.

Dated 15th the day of November, 2017.


Dr.A.S.SIVAKUMAR
Registrar of Co-operative societies -
Cum - First Appellate Authority.

To
The Parties