

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

FA/2/2018

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

P.Ragupathy
94 – B Eswaran Koil Street,
Puducherry – 605 001

..... Appellant.

Vs

The Managing Director – Cum –
Public Information Officer,
PSC Bank,
100 feet Road,
Puducherry – 605 004.

..... Respondents.

ORDER

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

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

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

2.1 The appellant application, dated 09.12.2017 was receipted by the P – I – O – Cum - managing Director, PSC Bank. 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.14.01.2018.

3. The appeal was admitted and the respondent as 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.RCS/CLC/SFCS/2014/72 dt.23.12.2014 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. A second appeal against the decision shall lie with the Central Information Commission, Room No.305, Bhikayi Cama Place, New Delhi – 110 066, within ninety (90) days, as provided under Section 19(3) of the Act.

Dated, 12th February, 2018.

Encl: As stated


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

To
The parties.