

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

First Appeal No.28 / 2020

Present: Thiru L.MOHAMED MANSOOR

Registrar of Cooperative Societies-cum-First Appellate Authority.

R.Kannan,
No.34,Vinayagar Koil Street,
Sooramangalam, Pallinellianaur Post,
Puducherry

>>> Appellant

Vs

The Administrator-cum-Public Information Officer,
PT & TDC Staff Cooperative Credit Society Ltd., No.P.682
No.2, Tamil Selvi Street,
Kamaraj Nagar (Near Jayaram Hotel), Puducherry-605011.

>>> Respondent

ORDER

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

The Appellant submitted an application dated 21-09-2020, under Section 6 of the Right to Information Act, 2005,(hereafter "the Act") to the respondent and sought for certain information. The Respondent, vide letter dated 17-10-2020, furnished a reply to the Appellant.

2. Aggrieved by the response of the respondent, the Appellant filed this first appeal on 28-12-2020. At the first instance, it was found that, the said appeal ought to be filed on or before 16-11-2020, but, it was belatedly filed on 28-12-2020, with a delay of 42 days. However, in order to uphold the principle of natural justice, the said appeal was taken on file.

3. On perusal of the available records on the file, it is found the respondent furnished a reply dated 17-10-2020 to the Appellant. For convenience, the said reply is reproduced hereunder:-

"..... taking into account the Hon'ble Supreme Court of India order in its judgment, Thalappalam Service Co-operative Bank limited and others Vs State of Kerala and others, case reported in 2013 (12) SCALE 527; 2013 (6) CTC 98; (2013) (4) KLT 232; 2014-1-LW 273 in which it is settled the issue whether Co-operative Societies registered under the respective State Co-operative Societies Act fall within the definition of Public Authority, the Registrar of Cooperative Societies, Puducherry vide circular No.RCS/CLC/SFCS/2014/172 dt.23rd December 2014 informed that, only those Co-operative Societies which are substantially financed by the appropriate Government will answer under the Right to Information Act 2005. The PT&TDC Staff Cooperative Credit Society Ltd.,(hereafter "the society") not received any financial assistance from the Government in any form, like share capital or subsidy and therefore as per the RCS circular, the society furnishing of any information under the Act , does not arise."



4. Aggrieved by the said reply, the Appellant belatedly filed this first appeal on 28-12-2020, with the following grounds:-

"I, the aggrieved person, has no satisfaction on the reply dated 17-10-2020 of the administrator applied at First Appellate authority for the required information through RTI Act, 2005."

5. It is evident that, the respondent-society 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 in as much as the society has not received any financial assistance from the Government. Further, respondent-society 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, 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-society was not included in the said circular. It is also found that, the Appellant preferred this appeal without any substantial grounds to defend his plea.

6. It is observed that, the respondent-society has rightly contended that, they are not "Public Authority" in line with the said Circular dated 23.12.2014. Hence, the 2nd respondent-society doesn't fall under the purview of the Right to Information Act, 2005.

7. In view of the reasons stated above, the appeal lacks merits, and hence, dismissed.

8. 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 10th day February of 2021



(L. MOHAMED MANSOOR)
3/5 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 2021.

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