

OFFICE OF THE REGISTRAR, COOPERATIVE SOCIETIES, GNCT OF DELHI
OLD COURTS BUILDING, PARLIAMENT STREET, NEW DELHI-110001.

(Ph. 011-23748133)

No. F. DRCS/AA/Coop./RTI/47/ AR (Sec.-6)/2015/225-228

Dated: 07/10/15

ORDER

This order shall dispose of the appeal of Sh. V.K. Gupta against the Rajya Sabha Sectt. Employees Cooperative Group Housing Society Ltd., Pitampura for refusing his RTI application dt. 01.08.2015 under section 139 of DCS Act 2003 and thus declining to supply the documents and information called for through the above RTI application. The appellant in person and Mrs. Sushma Kanta Saxena, President, alongwith other office bearers were present on 14.09.2015 and 21.09.2015.

The appellant in his RTI application dt. 1.08.15 intended to seek following information u/s 139 off DCS Act 2003, :-

1. The name and membership number of members who have propped/ seconded the nominations of Smt. Sushma Kanta Saxena, Smt. Seema Kapoor and Smt. Neeru Taneja for election to MC in 03/2015;
2. Copies of minutes of Annual/ Spl. GBMs held since March 2012 with the lists of members attending the same. These are required to be sent to every member individually as per DCS Rules 52 (2);
3. Copy of Regulations formed by the Society as per Sec. 89 (1) of DCS Act 2003 for maintenance of essential services including mandatory green area.
4. Average monthly expenditure on water supply during the last 3 years;
5. As the order dt. 28.04.2015 of RO was without any authority of law, I stand elected to the MC as per his order dt. 27.03.15. A copy of the decision of GB or any other authority as per law banning my participation in MC meetings & Society affairs be supplied.

In its reply, filed during the hearing on 21.09.15, the Society maintained that the Society is not liable to supply any information to the appellant, as he is a chronic defaulter and habitual complainant, Further, the information as asked is not related to him or any transaction related to him.

The appellant maintained that his RTI application is fully maintainable u/s 139 of DCS Act 2003 and also u/r 165 of DCS Rules 2007.

I have gone through the documents available on records and the contention of both the parties during the hearings. I am of the view that being a defaulter is not any ground for depriving information to a member as the society has sufficient provisions under DCS Act/ Rules to deal with the defaulters. Under Rule 165 of DCS Rules 2007, in my opinion, only those information which relates to personal information the disclosure of which would cause

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unwarranted invasion of the privacy of the other member qualify as the information which the society should not part with otherwise the appellant, being a shareholder of the Society, is entitled to seek any information pertaining to its management/business etc.

Accordingly, the President of the Rajya Sabha Sectt. Employees Coop. Group Housing Society Ltd. is directed to provide above mentioned information at S.No. 1, 2, 3 and 4. In my opinion, the information sought at S. No. 5 does not come under the definition of "information." In case any copy of the documents has been sought, the President shall inform the appellant about the total prescribed fee within 3 days of receipt of this order and provide copies thereof within two weeks of depositing the requisite fee alongwith other information.

The appeal is disposed of accordingly with the above observations.



6.10.15
(Vijay Bhardwaj)

Appellate Authority/DRCS-II

To

1. Sh. V.K. Gupta, B- 62, Parijat Apartments, West Enclave, Pitampura, Delhi- 110034.
2. The President/Secretary, Rajya Sabha Sectt. Employees CGHS Ltd., Pitampura, Delhi- 110034.
3. AR (Sec.-6) O/o the RCS GNCTD.
4. AD, Computer O/o the RCS GNCTD.