

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/68/AR(Sec-2)/2016/425-426

Dated: 13/06/16

ORDER

This order shall dispose of the appeal dated 19.04.2016 of Sh. Nirmal Kumar Bolia R/o C-601, Lovely Home CGHS Ltd, Dwarka (MS No-188) against the President/Secretary of the Lovely Home CGHS Ltd, Plot No-5, Sector-5, Dwarka, New Delhi-110075(Regn No-1354) for denying him information on his application dated 26.02.2016 filed under section 139(1) of DCS Act 2003.

This appeal was received from DRCS-III on 19.05.2016 on restructuring of office setup of this Department vide order dated 13.05.2016.

The appellant in person and Sh. Vijay Srivastava, President alongwith Sh. Sheesh Pal, member of the Managing Committee of the society were present on 19.05.2016 and 09.06.2016. The appellant in his above RTI application sought interalia minutes of all the meetings of MC (alongwith copy of agenda thereof) and also of Ad hoc committees from 01.01.2015 onwards.

The Hony Secretary of the society vide letter dated 22.03.2016 informed the appellant that the application is not in consonance with RTI Act 2005 and hence cannot be entertained. The appellant vide his letter dated 04.04.2016 brought back to the notice of the society that *the information has been asked for under section 139(1) of DCS Act 2003 (not under RTI Act 2005)*...

During the hearing on 19.05.2016 the society informed that the appellant being a defaulter cannot exercise the right of a member. A statement of account showing the appellant as a defaulter for an amount of Rs. 14380 was filed. The appellant, however, denied that he is a defaulter as per the Explanation of Section 25 of the Act. The society was directed to furnish a breakup of the alleged default amount of Rs. 14380 as shown in Bill No- 96 dated 15.05.2016.

The society on 09.06.2016, filed interalia copies of Bill dated 05.05.2015, 15.06.2015, notice dated 04.02.2016 for clearing over dues of Rs. 14920, minutes dated 02.04.2015 and 26.04.2015 of Building Committee. The appellant also filed copies of various letters to the

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society disputing outstanding dues levying 10% surcharge/penalty and Floating fund. In his letter dated 18.02.2016 to the society it is reiterated that he did not owe any money on account of Electricity, Water or General Maintenance Charges. Further, none of his letters/mails have been replied back by the society.

I have gone through the material available on record and pleadings of the parties. The society since the filling of the RTI application on 26.02.2016 is not inclined to part with the asked information on one pretext or the other. Clearly sought information u/s 139 of DCS Act 2003 was ingeniously considered and replied under RTI Act 2005. For outstanding dues, the society is levying 10% surcharge/penalty, contemplating recovery proceedings and also at the same time withholding information from the member. In my view, none of the outstanding dues against the appellant comes under the default amount as per the Explanation of section 25 of the Ac. The President/Secretary of the Lovely Home CGHS Ltd, Dwarka is directed to provide all the information sought by the appellant in his RTI application dated 26.02.2016 u/s 139 of the Act within 2 weeks of receipt of this order free of cost.


13.6.16
(Vijay Bhardwaj)

Appellate Authority/DRCS-II

To

1. Sh.Nirmal Kumar Bolla, R/o-C-601, Lovely Home CGHS Ltd, Plot No-5, Sector-5, Dwarka, New Delhi-110075.
2. The President/Secretary, Lovely Home CGHS Ltd Plot No-5, Sector-5, Dwarka, New Delhi-110075.
3. AR(Housing-1) O/o the RCS GNCTD.
4. ✓ AD, Computer O/o the RCS GNCTD.