

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/66/AR (Housing)/Sec.-1/2016/337-340

Dated: 21/05/16

**ORDER**

This order shall dispose of the appeal dt. 18.03.2016 filed u/s 139 of DCS Act 2003 by Sh. Harbhajan Singh Sethi, R/o Flat No. 205, Bannu Enclave, Pitampura, Road No. 42, Delhi-110034, against the President/ Secretary of Bannu Biradari CGHS Ltd. Pitampura, for not providing information against his RTI application dt. 10.02.2016. The appellant in person and Sh. P.K. Singh, President of the society were present on 24.05.2016.

The appellant in his above RTI application dated 10.02.2016 to the President of Bannu Biradari CGHS Ltd, Pitampura sought to undertake inspection of certain records of the society and requisition the desired papers, if necessary, after inspection. The Hony. Secretary of the society vide letter dated 07.03.2016 required the appellant to deposit Rs. 910 in advance by cash or pay order for providing him the information. The appellant replied to the Secretary of the Society on 08.03.2016 that he will first inspect the records before requisitioning the desired papers, if necessary.

During the hearing on 24.05.2016, the President of the society filed a reply on behalf of the society in which it is stated that for seeking information under section 139(1) it is mandatory to deposit the fee in advance alongwith the written application seeking information. The appellant has not deposited any fee alongwith the application. To supplement his contention he has enclosed a copy of order dt. 04.03.2015 of Hon'ble Central Information Commission in case No. CIC/LS/C/2012/000231-YA.

After going through the material on record and hearing both the parties, it is seen that the appellant in the first instance sought inspection of documents only. The society without affording him the inspection, at its own finalised 91 documents. During the hearing Sh. P.K.Singh, the President of the society was of view that inspection is not permitted u/s 139 r/w Rule 165.

23/5/16  
21/6/16

For the purpose of Rule 165, "Information" means any material in any form, including records, documents, memos, e-mails, opinions, advice, circulars, orders, log books, contract, reports, papers, samples, models, data material hold in any electronic form **and as provided in the Right to Information Act 2005**. Under section 2(j) of RTI Act 2005, "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and inter alia includes the right to inspection of work, documents, records. This facility is available to members of the society under Rule 14 of DCS Rules 2007 also.

The copy of above order dt. 04.03.2015 of Hon'ble CIC pertain to rejection of RTI application under RTI Act 2005 of the grounds of not enclosing the requisite fees alongwith the RTI application and as per RTI rules, an application under sub-section (1) of section 6 of the RTI Act shall be accompanied by the fee of Rs. 10/-. As such the said decision is not applicable here.

The President/ Secretary of the Bannu Biradari CGHS Ltd, Pitampura, is directed to intimate suitable date and time to the appellant within 7 days of receipt of this order for making the requisite inspection of documents. After identifying the documents, the appellant may requisition the desired documents. The Society shall provide the documents within 7 days of deposit of prescribed fee @ Rs 10 per page by the appellant.

The appeal is disposed of accordingly with the above observations.

30-3-16  
(Vijay Bhardwaj)  
Appellate Authority/DRCS-II

To

1. Sh. Harbhajan Singh Sethi, R/o Flat No. 205, Bannu Enclave, Pitampura, Road No. 42, Delhi-110034.
2. The President/Secretary, Bannu Biradari CGHS Ltd. Pitampura., Road No. 42, Delhi-110034.
3. AR (Housing)/Sec.-1 O/o, the RCS GNCTD.
4. ✓ AD, Computer O/o the RCS GNCTD.