

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

(Ph. 011-23748133)

No. F. DRCS/FAA/Coop./RTI/64/AR (Sec.-8)/2015/ 111 - 119

Dated: 08/09/15

ORDER

This order shall dispose of the appeal filed by Mr. Ashok Sharma, in respect of his RTI application dated 01.05.2015 ID No. 482 u/s 19 of the Right to Information Act, 2005.

The appellant in his RTI application sought information inter alia pertaining to the number of four wheelers in the society; number of different stickers issued and the criteria thereof; income to the society from advertisement (hoarding etc), Jim etc for the last three years. The PIO/AR (Sec.-8) vide his letter dt. 21.05.15 informed the appellant that information sought pertained to the Society and he directed Society to provide information/ documents sought directly within 20 days. Aggrieved with non receipt of any information from the society, the present appeal filed.

A notice to the society for appearing on 23.07.15 was issued. The appellant was present. The Society (the UNA CGHS Ltd.) was represented by Sh. R.N. Mudgil, Secretary. He furnished a copy of letter dt. 02.06.15 addressed to PIO/AR (Sec.-8) against his letter dt. 21.05.15 asserting that the Cooperative Group Housing Societies are not covered under RTI Act and no direction should have been issued to the society to provide information under sec. 139 of DCS Act 2003.


I have heard both the appellant as well as the Secretary of the UNA CGHS Ltd. It is a fact that this department is not in possession of any information which the appellant sought in his RTI application. Neither, the information required by him is statutorily accessible by this office. It is as such not information in terms of section 2 (f) of the RTI Act also. As per the judgement of Honble Supreme Court, Cooperative Societies do not fall within the ambit of RTI Act. The action of the PIO to convert the application under RTI Act 2005 to RTI application u/s 139 of DCS Act 2003 was an earnest effort on his part to make the information available to the appellant by the Society. But the Honble Supreme Court has held that the powers exercised by the RCS and others under the Cooperative Societies Act are only regulatory or supervisory and will not amount to dominating or interfering with the management or affairs of the Society so as to control it. The PIO/AR (Sec.-8) was

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not within his rights to convert the said application under RTI Act 2005 to RTI application u/s 139 of DCS Act 2003. The stand taken by the Society is vindicated.

The appeal is disposed of accordingly with the above observations.

As per section 19 of the Right to Information Act, 2005, the appellant may file an appeal, if any, within 90 days of the issue of this order before Second Appellate Authority i.e. Central Information Commission, B- Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110066.


31.8.15
(Vijay Bhardwaj)

First Appellate Authority/DRCS-III

To

1. Sh. Ashok Sharma, 48-C UNA Enclave, Mayur Vihar Ph- I Delhi- 110091.
2. PIO/ AR (Sec.-8) O/o the RCS, GNCTD.
- ✓ 3. A.D. Computer O/o the RCS GNCTD.
4. AR (RTI) O/o the RCS, GNCTD.