

IN THE COURT OF THE FINANCIAL COMMISSIONER, DELHI

Case No. 165/2014

**Revision Petition under
section 116 of Delhi
Cooperative Societies Act,
2003**

In the matter of :-

**Sehyog Coop CGHS Ltd
Parvana Vihar Plot No. 52,
Sector-IX, H.L. Parvana Marg,
Rohini, Delhi-110085.
Through Its Secretary**

**(Represented by Sh. R.K.
Gupta, Counsel for
petitioner)**

Versus

**Ravi Bhushan Bahl
R/o R-6/52 Parvana Vihar Plot No. 52,
Sector-IX, H.L. Parvana Marg,
Rohini, Delhi-110085.**

NAINI JAYASEELAN, FINANCIAL COMMISSIONER

Order dated 25.08.2015

1. This order shall dispose of the revision petition filed by the petitioner society u/s 116 of DCS Act 2003 against order no. F-47/293/Coop/NW/2014/appeal/139/988 dated 09.06.2014. Vide this order Asstt. Registrar disposed of the appeal filed by Sh. Ravi Bhushan against the society for not providing the information u/s 139 of DCS Act, with the direction to provide papers/ information within 15 days of receipt of this order free of cost.
2. Society has filed the present revision petition against the order dated 09.06.2014 with the following submissions:
 - a) The respondent herein filed an application under Section 139 of the DCS Act for seeking information to supply him list of debtors and creditors as on 31.03.2012 and 2013.
 - b) The petitioner vide its reply dated 09.12.2013 stated that the information as sought cannot be given being relates to 3rd party information.

c) The Society received a summon from the office of the Assistant Registrar, Cooperative Society stating therein that the Respondent Ravi Bhushan Behl has filed an appeal and the society was directed to appear with relevant records on 17.02.2014.

d) On receipt of the summons, the society informed the Assistant Registrar vide its letter dated 05.02.2014 stated therein that no copy of the appeal as alleged in the summon has been received and therefore requested to furnish the copy of the appeal.

e) Instead of furnishing the copy of the appeal, the Assistant Registrar passed an order dated 09.06.2014.

f) The appellate Authority failed to appreciate that there is no such provision under the Act or the rules to provide information free of cost, whereas in the instant case the Appellate Authority has directed the society to furnish the information to the Respondent free of cost. The appellate Authority ought to have dismissed the appeal as the information as asked for relates to 3rd party as provided under sub-rule 5 of rule 165 of DCS Rules which provides under the Heading, "Right to information". Sub rule 5 of rule 165 provides:

Information which relates to personal information the disclosure of which has no relationship to any public authority of interest or which would cause unwarranted invasion of the privacy of the individual.

3. Society also submitted the written submission on 20/08/2015 and reiterated same grounds as in the revision petition.

4. I have heard the counsel for petitioner at length and considered the facts on record. It is an admitted fact that Sh. Ravi Bhushan sought the information from the society regarding "List of debtors and creditors as on 31.03.2012 and 31.03.2013". But the society refused to provide requisite information categorizing it as third party information. It is also an admitted fact that on filing an appeal by Sh. Ravi Bhushan, before the RCS, society received summons from the

Asstt. Registrar vide letter dated 23.01.2014. Asstt. Registrar granted the opportunity of being heard to the society as required in law. But instead of availing the opportunity of being heard, society wrote a letter to Asstt. Registrar that the copy of appeal is not enclosed with the summons and declined an opportunity of being heard. Therefore the contention of the society that copy of appeal was not furnished holds no ground.

5. Society further contended that there is no provision under the Act or the rules to provide information free of cost. As per Section 139(1) of DCS Act 2003 and Rule 165(2) DCS Rules 2007 the fee can be charged only when the society provides the information on the application of applicant. But as per Sec 139(2) of DCS Act 2003, and Rule 165(8) there is no provision for charging the fee for providing the information on order of RCS, passed in case of appeal filed by the applicant after refusal from the society to provide the information. Therefore this contention of the society is also not tenable.

6. Society refused to provide the information regarding the Debtors & Creditors on the ground that this information is third party information, whereas as per rule 165(5)(C) of DCS Rules 2007 Information officer can only refuse that information which relates to personal information. I do not find any reason to consider the information of debtors and creditors as personal information and the disclosure of which has any relationship to any public activity or interest or which would cause unwarranted invasion of privacy of the individual.

7. In view of above, I do not find any merit to admit the revision petition. Accordingly, petition is disposed of.

8. Pronounced in the open Court on 25.08.2015.

(NAINI JAYASEELAN)
Financial Commissioner, Delhi
25th August, 2015.