

IN THE COURT OF THE FINANCIAL COMMISSIONER, DELHI
5-SHAM NATH MARG, DELHI-110054

Case No.329/11

Revision petition u/s 116 of the
Delhi Cooperative Societies
Act, 2003

In the matter of:

Kangra Co-operative Bank Ltd.
C-29, Community Centre,
Pakha Road, Janakpuri
New Delhi- 110058
Through its Chairman/Managing Director)

..... Petitioner

Versus

1. Shri Mangat Ram Sharma,
H.No.230/27, Gali No.9,
Railway Colony, Mandwali Fazalpur,
Delhi - 110092
2. Shri Rajesh Kumar,
Asstt. Registrar (Banking),
Office of the Registrar, Cooperative Societies,
Parliament Street, New Delhi.

..... Respondents

(D. M. Spolia – Financial Commissioner)
(Dated : May 30, 2014)

This order shall dispose of revision petition filed u/s 116 of the Delhi Cooperative Societies Act, 2003. The petition challenges the order passed by Sh. Rajesh Sharma, Assistant Registrar(Banking) dated July 8, 2011. The petitioner herein is the Kangra Coop. Bank Ltd. and among the respondents are 1) Shri Mangat Ram Sharma; 2) Sh. Rajesh Kumar, Asstt. Registrar (Banking).

2. The petitioner states that it is a cooperative society registered and governed under the provisions of the Delhi Cooperative Societies Act, 2003. The petitioner states that Shri Mangat Ram Sharma sought certain information vide letter dated December 13, 2010.

3. The bank denied the information vide letter dated January 21, 2011, stating the following :

" We have carefully gone through the letter received from you and it is observed that in view of the provisions contained in Rule 165 of the Delhi Cooperative Societies Rules, 2007, a member can seek information regarding his own affairs whereas you are seeking information with regard to other account holders and as such not entitled to any information under Section 139 of the Delhi Cooperative Societies Act as the same is to be read with the relevant Rules. It is also stated that the provisions contained in Section 139 were inserted by the Legislature on the premises that the right to information Act is applicable to cooperative banks which is not so. In this regard, reliance is placed on the judgement dated 29.6.2009, of the Central Information Commission in Appeal No.CIC/SG/A/2009/001121 in the matter of Divya Tomer Vs. Jain Cooperative Bank. It was held that the "cooperative society is clearly not a public authority as defined under the RTI Act. The society has not been shown to have substantially financed or controlled by the Government. Hence the appellant has no legally enforceable right under the RTI Act." It is also relevant to mention that the information cannot be provided in view of the provisions contained in Section 11 of the right to information Act."

4. Shri Mangat Ram Sharma filed appeal before the Asstt. Registrar(Banking) under section 139 of Delhi Co-operative Societies

Act 2003. The same was decided vide order dated July 8, 2011 which is impugned herein. The operative part of order is as under :

"On going through the appeal it was observed that the reply given by the bank is not proper.

Therefore, the Chairman/PIO of the bank is directed that parawise proper reply must be given to the applicant within 15 days after the date of issue of this letter."

5. Aggrieved by the above order, the Kangra Cooperative Bank Ltd. filed this Revision Petition.

6. Both, Petitioner and Respondent no. 1 Sh. Mangat Ram Sharma were heard at length. Petition, arguments of both the parties are on record and considered by this Court.

7. Section 139 (1) of Delhi Cooperative Societies Act, 2003 clearly states that

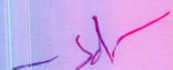
"any member or creditor having interest in the affairs of the Co-operative Society may seek information relating to any transaction of the Co-operative Society and for that purpose may be provided a certified copy of any document within thirty days from the date of receipt of application relating to such transaction on payment of such fee as may be specified."

The wording herein is very clear, and the emphasis on the word 'any' should not be missed. The term 'any member' includes the petitioner, being a member. 'Any transaction' would include the information asked for by the petitioner.

8. In view of above, I do not find any infirmity with the order No. F. Appeal Case 6/AR(Bkg.)RCS/2011/113 dated July 8, 2011 of

Asstt. Registrar(Bkg) and therefore the same is upheld and petitioner is directed to give parawise reply to Sh. Mangat Ram Sharma, R-1 within 15 days.

Announced in the open Court.



(D. M. SPOLIA)
FINANCIAL COMMISSIONER
DELHI