



Sh. Manjit Singh,  
S/o Sh. Sohan Singh,  
R/o #388/3, Dhandholian Road,  
Patiala.

Complainant

Versus

Public Information Officer,  
O/o General Manager,  
Verka Milk Plant,  
Bathinda.

Respondent

**Complaint Case No.102/2019, 103/2019 and 104/2019**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
05.11.2018	Nil	Nil	Nil	23.01.2019

**Present:** Appellant- Sh. Jasbir Singh, Proxy, and Adv. Tejinder Singh Counsel.  
Respondent- Advocate Harbans Sharma, Counsel.

**Order**

The following interim order was passed by the bench on 02.07.2019, which is reproduced here under:

*“The Complainant and the respondent are the same and a common question of law is involved. Therefore, aforementioned complaints shall be disposed of by a single order.*

*The respondents are absent. They have filed a detailed reply, primarily taking the plea that they are not a public authority within the meaning of Section 2(h) of the RTI Act. It has been stated in the reply that stay has been granted by the Hon'ble High Court in CWP No.20904 of 2015- Punjab State Cooperative Bank Ltd. vs. State Information Commissioner. It has also been stated that stay on the proceedings in Commission in another case of Milk Plant, Bathinda, in CWP No.10668 of 2015 has also been granted. However, it does not figure on record. The respondents are directed to produce the copy of stay order as*

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**Complaint Case Nos.102/2019, 103/2019 and 104/2019**

*contended by them before the next date of hearing so as to enable this Forum to take a considered view in the matter. The complainant may like to file a rejoinder to the reply filed by the respondents in case he desires to."*

In compliance with the aforementioned order, the respondents have placed a copy of the order passed in the CWP No. 10668 of 2015. The Commission has gone through it. The Hon'ble Judge of the High Court of Punjab and Haryana has specifically mentioned not to take any cognizance of the observations made therein with reference to the declaration of the respondents as a public authority. It has only decided on the issue of award of compensation and a show cause notice issued by the Commission for imposition of penalty.

The respondents have filed a detailed reply, a copy of which has been handed over to the complainant. In order to arrive at an informed decision, the Commission directs the respondents to provide a copy of its by-laws and balance sheet of the financial year last audited. The complainant may file a written rejoinder on the submissions thus made by the respondents, in case he desires so.

To come up on **26.09.2019 at 11.30 AM.**

<b>06.08.2019</b>	<b>Sd/- (Preety Chawla) State Information Commissioner</b>	<b>Sd/- (Yashvir Mahajan) State Information Commissioner</b>
<b>CC:</b>	<b>PS/SIC (Smt. Preety Chawla) for the kind information of Ld. SIC.</b>	



Sh. Sucha Singh,  
S/o Sh. Rajinder Singh,  
VPO- Jasnur, Block-Chogawan,  
Tehsil-Ajnala, District-Amritsar.

Appellant

Versus

Public Information Officer,  
O/o Deputy Registrar,  
Co-operative Societies, Amritsar.

First Appellate Authority,  
O/o Registrar,  
Co-operative Societies,  
Bays Building, Sector-17-D, Chandigarh.

Respondents

**Appeal Case No.547/2019**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
11.10.2018	Nil	27.11.2018	Nil	29.01.2019

**Present:** Appellant- None  
Respondents- Sh. Palwinder Singh, Deputy Registrar, Cooperative Societies, Amritsar.

**Order**

The Commission has made following observations on 04.06.2019:

*"The case is committed to the Double bench by CIC on the request of Ld. State Information Commissioner, Ms. Preety Chawla vide order dated 08.04.2019. The appellant has sought to know the details of the farmers to whom the loans given by the society namely the Jasraur Cooperative Agriculture Service Society, Jasraur, have been waived by the Government under 'Karja Mukti Scheme'. The respondents are absent and have taken a stand of their not being a public authority. The Commission is not inclined to accept it. Public funds are involved in the Govt. policy under which the loans to the marginal farmers had been waived. The respondents are directed to provide information to the appellant within 15 days failing which, the penal consequences shall follow."*

The case has come up today. Sh. Palwinder Singh, Deputy Registrar,

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Sh. Bhagwan Singh,  
VPO- Harpalpur, Tehsil-Rajpura,  
Distt. Patiala.

Appellant

Versus

Public Information Officer,  
O/o Co-operative Agriculture Development Bank,  
Ghanaur, District-Patiala.

First Appellate Authority,  
O/o Co-operative Agriculture Development Bank,  
Ghanaur, District-Patiala.

Respondents

**Appeal Case No.389/2019**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
13.11.2018	Nil	27.11.2018	Nil	16.01.2019

**Present:** Appellant- Sh. Bhagwan Singh.  
Respondents- Sh. Jai Dev, Assistant Manager, Co-operative Agriculture Development Bank, Ghanaur.

**Order**

The following order was made by the Commission on 04.06.2019:

*"The appellant has sought information from the respondents about the loans having been given with details of schemes by the respondent Bank during the period from year 2006 to 2010. The respondents claim that they are third party and had already agitated the issue in the Hon'ble High Court who has been pleased to stay the order passed by the Commission way back in the year 2010. The respondents state that the issue is still pending and have produced photocopies of the documents extracted from the website of the Punjab and Haryana High Court which do not lead us anywhere.*

*The Commission finds that the civil writ petition pertains to the year 2010. The appellant has produced before us a blanket order of the Hon'ble Punjab & Haryana High Court passed in the year 2011, in CWP No.19234/2006 titled The Hindi Urban Coop. Bank Ltd. Vs. The State Information Commission & ors.; CWP No.19481/2006- The Punjab State Coop. Bank Ltd. Vs. The State Information Commission & ors.; CWP No.1835/2007- The Zenith Cooperative House Building Society Ltd., Ludhiana vs. The State Information Commission & others.; CWP No.4790/2007- The Haryana State Coop. Agricultural and Rural*

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**Appeal Case No.389/2019**

*Development Bank Ltd. Vs. The State Information Commission & ors.; CWP No.17732 TO 17735 of 2009 vs. The State Information Commission & ors.; and similarly placed organizations wherein they have been declared as public authorities as defined in Section 2(h) of the RTI Act, 2005.*

*The Commission feels that the respondents are misrepresenting and misleading this Forum. The PIO, Baljinder Singh, Manager is hereby directed to file a written affidavit as to why he should not be proceeded against for having violated the provisions of RTI Act. They have failed to submit the information by quoting the issue which has already been decided. He should note that no further opportunity will be provided.”*

Sh. Jai Dev, Assistant Manager, is present. He maintains his position that they are not a Cooperative Society by virtue of a stay granted to them by the Hon'ble High Court of Punjab and Haryana. The appellant has provided a copy of an order passed on 09.05.2011 by the Hon'ble High Court of Punjab and Haryana which declares scores of Societies and Cooperative Banks as a public authority, Milk Producers Union society is also a petitioner in the same. Sh. Jai Dev further admits that the functioning of the respondent is dependent upon loans and grants of National Bank for Agriculture and Rural Development which undeniably is a branch of Reserve Bank of India. In the face of these facts, the Commission is inclined to believe that the stay granted cannot be operative after the judgment on the issue has been passed after clubbing all the writ petitions on the subject.

The Commission believes that the respondents are willfully defying to become the RTI-compliant, when they are discharging a public function with the assistance of the government funds. The Commission holds the PIO, Sh. Baljinder Singh, to have violated the provisions of section 7(1) of the Right to Information Act, 2005.



**PUNJAB STATE INFORMATION COMMISSION**  
**RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**  
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ [www.infocommpunjab.com](http://www.infocommpunjab.com)  
Email:psic22@punjabmail.gov.in



Sh. Kuldeep Singh,  
S/o Late Sh. Harjit Singh,  
R/o Flat No. 1506, 2<sup>nd</sup> Floor,  
Housefed Complex,  
Banur, Punjab.

Appellant

Versus

Public Information Officer,  
O/o Registrar Cooperative Societies,  
Secretariat Punjab, Room No.-450,  
District Complex, Mohali.

First Appellate Authority,  
O/o Registrar Cooperative Societies,  
Secretariat Punjab, Room No.-450,  
District Complex, Mohali.

Respondents

**Appeal Case No.485/2019**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
08.10.2018	Nil	28.11.2018	Nil	23.01.2019

**Present:** Appellant- Sh. Kuldeep Singh.  
Respondents- Ms. Jaspreet Kaur, Inspector along with Adv. Pawan Sharma, Counsel.

**Order**

The Commission has perused the file. The original RTI application appearing on file is a Photostat copy without the original signature of the appellant. Besides this, it is printed in a very fine print and is not legible at all. The Commission is unable to take cognizance of this. He is advised to file a fresh application to the Deputy Registrar before next date of hearing, who shall arrange to place it on the current file

To come up on **26.09.2019 at 11.30 AM.**

**06.08.2019** Sd/- (Preety Chawla) State Information Commissioner Sd/ (Yashvir Mahajan) State Information Commissioner

**CC:** PS/SIC (Smt. Preety Chawla) for the kind information of Ld. SIC.

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**RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**  
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ [www.infocommpunjab.com](http://www.infocommpunjab.com)  
Email:psic22@punjabmail.gov.in



Sh. Kuldeep Singh,  
S/o Late Sh. Harjit Singh,  
R/o Flat No. 1506, 2<sup>nd</sup> Floor,  
Housefed Complex,  
Banur, Punjab.

Appellant

Versus

Public Information Officer,  
O/o Registrar Cooperative Societies,  
Secretariat Punjab, Room No.-450,  
District Complex, Mohali.

First Appellate Authority,  
O/o Registrar Cooperative Societies,  
Secretariat Punjab, Room No.-450,  
District Complex, Mohali.

Respondents

**Appeal Case No.487/2019**

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
07.08.2018	Nil	28.11.2018	Nil	23.01.2019

**Present:** Appellant- Sh. Kuldeep Singh.  
Respondents- Ms. Jaspreet Kaur, Inspector, along with  
Advocate Pawan Kumar Sharma, Counsel.

**Order**

Ms. Jaspreet Kaur, Inspector, Cooperative Societies, Mohali, is representing the respondents. A power of attorney has been filed by Adv. Pawan Kumar Sharma. He states that the society is not a public authority and is not obliged to part with the information. The respondents are directed to file a point wise written reply on application and contention of the applicant. Meanwhile, it is desired that the information deemed as admissible by the respondents should be provided before the next date of hearing.

To come up on **26.09.2019 at 11.30 AM.**

**06.08.2019**  
**Sd/-**  
**(Preety Chawla)**  
**State Information Commissioner**

**Sd/-**  
**( Yashvir Mahajan )**  
**State Information Commissioner**

**CC:** PS/SIC (Smt. Preety Chawla) for the kind information of Ld. SIC.