

Shri Tejinder Pal Singh Obroi, (M: 090151-52976),  
S. Vice President, Welfare Association G Block Hari Nagar (Regd.),  
WZ-208, Street 15, G-Block Hari Nagar,  
Jail Road, New Delhi-110058.

..... Appellant

**Vs**

Public Information Officer,  
O/o Secretary/President,  
The Madanpur Cooperative Housing Construction Society Ltd.,  
Mohali.

First Appellate Authority,  
O/o Addl. Registrar (Admn.),  
Cooperative Societies, Punjab, Chandigarh.

.....Respondent

**Appeal Case No. 1878 of 2020**

Present:- Shri Tejinder Pal Singh Obroi, appellant is present on Webex.  
Shri Jasbir Singh, President, Madanpur Co-operative Housing Construction  
Society, Mohali is present.  
Shri Jaswinder Singh, Asstt. Registrar, Co-operative Societies Punjab is present.

**O R D E R**

**As Shri Avtar Singh Kaler, Hon'ble State Information Commissioner, Punjab is on leave, so the present appeal case is being heard by Shri Suresh Arora, Hon'ble Chief Information Commissioner, Punjab.**

1. Shri Tejinder Pal Singh Obroi, appellant filed RTI application dated 17.10.2019 and sought some information from the office of the SPIO.
2. **Today the case is heard through CISCO Webex/Vedio Conference Meetings Software.** Both the parties are present today. The appellant is heard through CISCO Webex Software and he stated that no information has been provided to him by the Society till date. The appellant has also sent an e-mail dated 19.2.2021 and stated that despite CIC directives, no information has been received.
4. I have gone through the previous order dated 17.09.2020 vide which the RTI application of the applicant was transferred U/s 6(3) of the RTI Act, 2005 by PIO/Registrar, Co-operative Society to the PIO, O/o Secretary/President, the Madanpur Co-operative Housing Construction Society Ltd., Mohali. Since the concerned Society is not a public authority under the RTI Act, 2005, it was wrongly transferred by the Registrar, Co-operative Society and he is under the statutory obligation of the RTI Act to provide the information which is available in his custody relating to the Society.

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Thus, the order of the Commission dated 10.12.2020 and 9.2.2021 is modified to the extent that the directions given to the PIO, O/o of Registrar, The Madanpur Co-operative Housing Construction Society Ltd. Mohali be considered as direction to PIO/Registrar, Co-operative Society to provide the information as is available on record. It is also pertinent to mention here that the appellant Shri Tejinder Pal Singh Obroi during the course of hearing made a submission that directions be given to the Registrar, Co-operative Society to collect the information from the concerned Society and provide the complete information as is available with them. In this context it is pertinent to mention the instructions of Government of India which is as under:-

*“At this juncture, it is necessary to clear some misconceptions about the RTI Act, The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of Section 3 and the definitions of information and right to information under clauses (f) and (j) of Section 2 of the Act. If a public authority has any information in the form of data or analyses data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in Section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non available information and then furnish it to an applicant. A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide ‘advice’ or ‘opinion’ to an applicant, nor required to obtain and furnish any ‘opinion’ or ‘advice’ to an applicant. The reference to ‘opinion’ or ‘advice’ in the definition of ‘information’ in Section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act”.*

As such directions is given to the Registrar, Co-operative Society, Punjab, Chandigarh to comply that whatever information is available with the Society should be given to the appellant. Shri Jaswinder Singh, Assistant Registrar, Co-operative Society also made a submission that in case the appellant wants to inspect the files then he can come on any working day and whatever information will be available, he can get the certified copy of the same.

6. So, the PIO is directed that whatever information is available in the record of the O/o of Registrar, Co-operative Society, Punjab, Chandigarh be provided to the appellant and in case the appellant wants to inspect the files then he can visit the office of the PIO on any

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working day and whatever record is available, the attested copies of the same be given to the appellant. In case of non compliance of the order of the Commission, strict action will be taken against the PIO under the provisions of the RTI Act, 2005.

7. Both the parties should come present for further hearing of the case through **CISCO Webex facility/Video Conference on 25.03.2021 at 12:00 noon.**

**Dated: 22.02.2021**

**( Suresh Arora )  
Chief Information Commissioner, Punjab**

**(Regd.) CC: Registrar, Co-operative Societies, Punjab, Chandigarh.**

**- For compliance of the Order of the Commission.**

Shri Jasbir Singh,  
Village Bolapur, Jhabewal,  
Post Office Ramgarh,  
Distt.Ludhiana.

..... Appellant

**Vs**

Public Information Officer,  
O/o Food Safety Officer,  
O/o Civil Surgeon,  
Fazilka.

First Appellate Authority,  
O/o Civil Surgeon,  
Fazilka.

.....Respondent

**Appeal Case No. 2903 of 2020**

Present:- Shri Jasbir Singh, appellant is absent.  
Shri Vishal, Food Safety Officer is present on behalf of the SPIO.  
Ms. Puneet Sharma, Food Safety Officer is present O/o Civil Surgeon, Fazilka.

**O R D E R**

**As Shri Avtar Singh Kaler, Hon'ble State Information Commissioner, Punjab is on leave, so the present appeal case is being heard by Shri Suresh Arora, Hon'ble Chief Information Commissioner, Punjab.**

1. Shri Jasbir Singh, appellant filed RTI application dated 01.07.2020 and sought some information from the SPIO-cum-Food Safety Officer, O/o Civil Surgeon, Fazilka.
2. **Today the case is heard through CISCO Webex Meetings Software.** The appellant is absent today whereas the Respondents are present.
3. The Respondent stated that he has prepared the information of point no. 1 and 2 of the RTI application filed by the appellant. However, the information regarding point no. 3 is yet to be prepared and sought for some time.
4. The request of the PIO appears to be genuine. So, another short date is given to the PIO so as to enable him to prepare the information regarding point no. 3.
- 5 To come up on 25.3.2021 **at 12:00 noon** to be heard through **Video Conference facility available in the office of the Deputy Commissioner, District Ludhiana / Fazilka.**

**Dated: 22.02.2021**

**( Suresh Arora )**  
**Chief Information Commissioner, Punjab**