

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
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Sh. Rakesh Kumar Gupta (98149-24851)

8/237, Jagrao Road, Mandi Mullanpur,
District Ludhiana-141101

Appellant

Versus

Public Information Officer

O/o Punjab State Cooperative Labour
& Construction Federation Ltd.
SCO 2, Industrial Area, Phase-II,
Chandigarh-160002

Public Information Officer

O/o Registrar, Cooperative Societies,
Punjab, 17 Bays Building,
Sector-17, Chandigarh.

First Appellate Authority,

O/o Punjab State Cooperative Labour
& Construction Federation Ltd.
SCO 2, Industrial Area, Phase-II,
Chandigarh-160002.

Respondent

Appeal Case No. 3232 of 2018

Date of Institution: 24.09.2018

Date of Decision: 26.08.2019

Present

Nobody present on the behalf of appellant.

As Respondents:

Ms. Gurmeet Kaur, Assitant Registrar cum PIO (94630-1-713),
Advocate Harbans Sharma (Proxy Counsel), (98154-47865),
Sh. Samuel Masih, SA (99880-14245),
Sh. Sarbjit Singh, SA (98884-60628) &
Sh. Satish Kumar, Manager (97801-91300).

ORDER

1. The Hon'ble Chief Information Commissioner, Sh. S. S. Channy Vide Office Order dated 24.04.2019 has allocated the above mentioned case for hearing by the Division Bench Consisting of Ld. SIC Dr. Pawan Kumar Singla and Ld. SIC, Ms. Preety Chawla, State Information Commissioners. Accordingly, the case is fixed for today's hearing.
2. Appellant is absent for today's hearing but an email has been received in the Commission on 16.04.2019 (by the bench of one of undersigned i.e. SIC Preety Chawla, which is received as on record requesting therein for an adjournment.
3. Advocate Harbans Sharma presented the case on the behalf of Ms. Gurmeet Kaur, Assistant Registrar cum PIO, gave the references of various facts and Judgments from the reply already filed by Sh. Parvinder Singh, Managing Director through his Counsels i.e. Advocate Eshjot Walia and Advocate Tushar Sharma as follows:

- a) The Punjab State Cooperative of Labor & Construction Federation Ltd (herein after referred to as the Labourfed) is Cooperative Society registered under the provisions of the Punjab Cooperative Societies Act, 1961. Labourfed is not a statutory body and the Government has no share money/ share holding in the Labourfed. The State Government cannot nominate any Director on the Board of Directors of Labourfed. Labourfed has not been created under any Act.
- b) Approval of Government of Punjab, Department of Finance vide letter dated 07.01.2016 with a proposal for Payment of Rs 30 Lakhs by the Government to Labourfed, thereby to create share holding was **Stayed by Hon'ble Judge Mahesh Grover of High Court of Punjab and Haryana in CWP No. 1275 of 2016 titled as The Punjab State Copperative Labour & Construction Federation Limited (Labourfed) vs. State of Punjab and others.**
- c) **Hon'ble High Courts of Bombay, Karnataka and Kerala have reported that a cooperative society registered under the provisions of Cooperative Society Act is not a Public Authority within the meaning of Section 2 (h) and (d) read with section 18 (1) of RTI Act, 2005.**
- i. AIR 2009 Bombay 75 (Nagpur Bench) – Dr. Panjabrao Deshmukh Urban Cooperative Bank Ltd. Vs. State Information Commission Virardbha Region, Nagpur and others.
 - ii. 2009 (5) RCR (Civil) 394 (Karnataka) – Dattaparsad Housing Cooperative Bank Ltd. Vs. Karnataka Information Commission Bangalore and others.
 - iii. 2009 (5) RCR (Civil) 833 (Karnataka) – Dattaparsad Housing Cooperative Society Ltd. Vs. Karnataka Information Commission Bangalore and others.
 - iv. 2010 (1) ID 83 (Kerala High Court) – Thalappallam Service Cooperative Bank Ltd. Vs. Union Bank of India and others.
- d) **Hon'ble Supreme Court of India in Judgment in 2013 (6) RAJ 136 – Thalappalam Service Cooperative Bank Ltd. Vs State of Kerala and others** has also considered the matter that a cooperative Society which is not owned, controlled or financed by the appropriate government or has not received any financial assistance/grant-in-aid is not a Public Authority.

4. Advocate Harbans Sharma also submitted the copy of Judgment of Hon'ble Judge G.S. Sandawalia of Punjab & Haryana High Court at Chandigarh in CWP-20904-2015 in Punjab State Cooperative Bank Ltd and State Information Commission Punjab & others in support to his submission, which is taken on record.
5. After hearing the respondent(s) and going through the documents and various Judgments placed on record, it is observed that Punjab State Cooperative Labor and Construction Federation Chandigarh (Labourfed) is not a Public Authority and does not falls under the definition of Section 2 (h) of RTI Act. Therefore, no further action is required in this case and hence this instant appeal case is **disposed of and closed**.
6. Announced in the Court; copy of the order to be sent to the parties.

Sd/-
(Ms. Preety Chawla)
State Information Commissioner

Sd/-
(Dr. Pawan Kumar Singla)
State Information Commissioner

Chandigarh
Dated: 26.08.2019 at 11.30 AM

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Sh. Rakesh Kumar Gupta (98149-24851)

8/237, Jagrao Road, Mandi Mullanpur,
District Ludhiana-141101

Appellant

Versus

Public Information Officer

O/o Assistant Registrar,
Cooperative Societies, Hoshiarpur-146001

First Appellate Authority,

O/o Assistant Registrar,
Cooperative Societies, Hoshiarpur-146001.

Respondent

Appeal Case No. 3234 of 2018

Date of Institution: 24.09.2018

Date of Decision: 26.08.2019

Present Nobody present on the behalf of appellant.

As Respondents:

Ms. Gurmeet Kaur, Assitant Registrar cum PIO (94630-1-713),
Advocate Harbans Sharma (98154-47865), &
Sh. Satish Kumar, Manager (97801-91300).

ORDER

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2. Appellant is absent for today's hearing but an email has been received in the Commission on 16.04.2019 (by the bench of one of undersigned i.e. SIC Preety Chawla, which is received as on record requesting therein for an adjournment.
3. Advocate Harbans Sharma presented the case on the behalf of Ms. Gurmeet Kaur, Assistant Registrar cum PIO, gave the references of various facts and Judgments from the reply already filed by him which claims/proves that The Manji Tootiwali Cooperative Labour and Construction Society Ltd. is not a Public Authority as there is not substantially financed, owned or controlled by the appropriate Govt. and as there is no Govt. share capital, loan or substantially assistance provided to the society by Govt., some of these are as follows:
 - a) As per Hon'ble Supreme Court of India in Judgment in 2013 (6) RAJ 136 – Thalappalam Service Cooperative Bank Ltd. Vs State of Kerala and others that a cooperative Society which is not owned, controlled or financed by the appropriate government or has not received any financial assistance/grant-in-aid is not a Public Authority.

- b) Judgment of Hon'ble Judge G.S. Sandawalia of Punjab & Haryana High Court at Chandigarh in CWP-20904-2015 in Punjab State Cooperative Bank Ltd and State Information Commission Punjab & others in support to his submission, which is taken on record
- c) That the Hon'ble Apex Court in Thallapallam case (infra) has specifically held that Co-operative Societies registered under the Co-operative Act will not fall within the definition of "Public Authority" as defined under Sec 2(h) of RTI Act, in the absence of material to show that they are owned, controlled or substantially financed by the appropriate Govt.
4. After hearing the respondent(s) and going through the documents and various Judgments placed on record, it is observed that The Manji Tootiwali Cooperative Labour and Construction Society Ltd. is not a Public Authority and does not falls under the definition of Section 2 (h) of RTI Act. Therefore, no further action is required in this case and hence this instant appeal case is **disposed of and closed**.
5. Announced in the Court; copy of the order to be sent to the parties.

Sd/-
(Ms. Preety Chawla)
State Information Commissioner

Sd/-
(Dr. Pawan Kumar Singla)
State Information Commissioner

Chandigarh
Dated: 26.08.2019 at 11.30 AM

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Appellant

Versus

Public Information Officer

O/o EO, MC, Mullanpur Dakha-141101,
District Ludhiana.

Public Information Officer

O/o Registrar, Cooperative Societies,
Punjab, 17 Bays Building,
Sector-17, Chandigarh

Public Information Officer

O/o The Manager, Laburfed,
Punjab, Chandigarh

First Appellate Authority,

O/o The Director, Local Govt.,
Punjab, Municipal Bhawan,
Sector-35 A, Chandigarh.

Respondent

Appeal Case No. 3236 of 2018

Date of Institution: 24.09.2018

Date of Decision: 26.08.2019

Present

Nobody present on the behalf of appellant.

As Respondents:

Ms. Gurmeet Kaur, Assitant Registrar cum PIO (94630-1-713),
Advocate Harbans Sharma (98154-47865),
Sh. Rajinder Kumar, SA (98725-50275) &
Sh. Satish Kumar, Manager (97801-91300).

ORDER

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- a) As per Hon'ble Supreme Court of India in Judgment in 2013 (6) RAJ 136 – Thalappalam Service Cooperative Bank Ltd. Vs State of Kerala and others that a cooperative Society which is not owned, controlled or financed by the appropriate government or has not received any financial assistance/grant-in-aid is not a Public Authority.
 - b) Judgment of Hon'ble Judge G.S. Sandawalia of Punjab & Haryana High Court at Chandigarh in CWP-20904-2015 in Punjab State Cooperative Bank Ltd and State Information Commission Punjab & others in support to his submission, which is taken on record
 - c) That the Hon'ble Apex Court in Thallapallam case (infra) has specifically held that Co-operative Societies registered under the Co-operative Act will not fall within the definition of "Public Authority" as defined under Sec 2(h) of RTI Act, in the absence of material to show that they are owned, controlled or substantially financed by the appropriate Govt.
4. After hearing the respondent(s) and going through the documents and various Judgments placed on record, it is observed that The Manji Tootiwali Cooperative Labour and Construction Society Ltd. is not a Public Authority and does not falls under the definition of Section 2 (h) of RTI Act. Therefore, no further action is required in this case and hence this instant appeal case is **disposed of and closed**.
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Sd/-
(Ms. Preety Chawla)
State Information Commissioner

Sd/-
(Dr. Pawan Kumar Singla)
State Information Commissioner

Chandigarh
Dated: 26.08.2019 at 11.30 AM