



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- **Advocate Gurnaad Singh Virdhi, Counsel;**
 Sh. Jai Dev, Assistant Manager, Co-operative Agriculture
 Development Bank, Ghanaur.

Order

The following order was made by the Commission on 06.08.2019:

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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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.”

06.08.2019

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.

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He is hereby issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.

In addition to the written reply, the PIO is also given an opportunity under Section 20 (1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.”

The case has come up today. Sh. Jai Dev, Assistant Manager, has appeared on behalf of respondents. The Commission would like to observe that the word “Co-operative Society” figuring in Para 3 of the order passed on 06.08.2019 has inadvertently figured in place of public authority and it should be read so for future reference, if any. Advocate Gurnaad Singh, counsel for respondents, has filed a detailed written reply, wherein, it has been submitted that the order of the Hon’ble High Court of Punjab and Haryana, referred in the Commission’s order reproduced above, passed in various civil writ petitions in year 2011, have since been sent aside by an order of the double bench passed on 12.12.2013 in matter of LPA No.1174 of 2011. Consequently, in terms of the orders passed in LPA, the Commission is obliged to consider the matter independently in the case in hand on the basis of the facts and merits. A copy of the detailed reply has been provided to the appellant also.



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He may like to file rejoinder to the submissions thus made, if any."

The case has come up today. Sh. Jai Dev, Assistant Manager, is present. Sh. Gurnaad Singh Viridi, Counsel for respondents reiterates the argument submitted in his rejoinder dated 25.09.2019. He has nothing more to add.

The order is reserved and shall be pronounced in due course.

31.10.2019

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



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:

Complainant- Sh. Manjit Singh.

Respondent- Advocate Harbans Sharma, Counsel.

Order

Both the parties are heard. They have submitted their rejoinders.

The order is reserved to be pronounced in due course.

31.10.2019

**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.

