

**OFFICE OF THE DEPUTY REGISTRAR
REGISTRAR COOPERATIVE SOCIETIES, GOVT. OF NCT OF DELHI
PORTA CABIN, OLD COURT BUILDING, PARLIAMENT STREET
NEW DELHI-110001**

F.DRCS/U/s-139/69/2022/6451

Dated: 11/10/2023

IN THE MATTER OF:-

Sh. Rajiv Parashar,
Flat No. 90, Canara CGHS Ltd.
Plot No. 16, Sector-13
Rohini, New Delhi-110085

.....Appellant

Versus

The President/Secretary
Canara CGHS Ltd.
Plot No. 16, Sector-13
Rohini, New Delhi-110085

.....Respondent

Order of Penalty under Section 139 of DCS Act, 2003

Whereas an application dated 09/03/2022 for seeking information u/s-139 of DCS ACT, 2003 was filed by Sh. Rajiv Parashar to the Administrator of Canara CGHS Ltd.

And whereas an appeal dated 12/04/2022 u/s 139 of DCS Act 2003 was filed by Sh. Rajiv Parashar, stating denial of information to him before the First Appellant Authority.

And whereas hearing conducted by First Appellant Authority on 14.10.2022, wherein an opportunity of being heard was to both the parties i.e. Appellant Sh. Rajiv Parashar and Sh. Uday Vir Singh the Administrator of Societies. During hearing Administrator Sh. Uday Vir Singh agreed to provide the information to the appellant within 15 days of the receipt of order. Vide order dated 29/11/2022 the Administrator of society was directed to provide the information to the appellant. However, the Administrator vide letter dated 24/12/2022 stated that information is not covered under section 139 of DCS Act, 2003 and provision under Rule 165 (i) of DCS Rules 2007.

And whereas Sh. Rajiv Parashar filed another application dated 03.01.2023 stating that the information has not been provided despite order issued by the First Appellant Authority. Thus, the society has defied the order 29/11/2022 of First Appellant Authority and requested to impose penalty U/s 139 of DCS Act 2003.

The reply dated 24/12/2022 of Administrator and application dated 03/01/2023 of Sh. Rajiv Prashar were considered and it was decided that information was covered U/s 139. Accordingly, a show Cause Notice dated 19.05.2023 was issued to President/Secretary of society as M/C constituted to explain his position and state as to why a penalty in terms of provision of Section 139 of DCS Act 2003 read with rules 165(8) of DCS rules 2007 should not be imposed upon President/Secretary of the Society and they were granted an opportunity of being heard on 16/06/2023 to present their submissions in this case.

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And whereas during hearing conducted on 16.06.2023 Sh. Rajiv Parashar appeared and none appeared for President/Secretary of society. Apparently this is denial of information in terms of provisions of Section 139 DCS Act 2003 read with Rule 165 of DCS Rules 2007.

In an appeal under section 139, the Hon'ble High Court, Delhi in the matter of Mr. D K Rustogi Versus Registrar Cooperative Societies & Anr. has held as follows:

"The Co-operative Society is a body created by a group of persons collectively to achieve a particular object, and it must manage its affairs in a democratic way in compliance of the Act in the Rules. The Co-operative Society is a body which has to maintain complete transparency in its functioning. All its actions are taken in a democratic way through managing committee and its office bearers, who are answerable to the general body of members. There is no activity or action that a Co-operative Society may take, about which it can maintain any secrecy. A member of Co-operative Society would, therefore, be entitled to seek any information in relation to any transaction of the Co-operative Society. This right has been extended even to a creditor, since he has a stake in the financial affairs of the Co-operative Society."

In this case the appellants are members of the Co-operative Society, their right to seek information in relation to the transactions of the cooperative society cannot be denied. Accordingly, I conclude that in this case the society has defaulted in providing the information to the appellants, despite affording reasonable opportunity. Accordingly a penalty of Rs.10,000/- (@Rs.250/- per day till information is furnished) is imposed under section 139 of DCS Act 2003 read with Rule 165 (8) of DCS Rules 2007. The penalty so imposed shall be recovered from the personal pocket of the committee members or information officer of society as arrears of land revenue. The amount so recovered shall be deposited in the Co-operative Education Fund of Registrar Cooperative Societies within 30 days of the receipt of this order.

The appeal of the Appellant is disposed of accordingly.


(PRADEEP KUMAR)
DEPUTY REGISTRAR

F.DRCS/U/s-139/69/2022/

Dated:

Copy to:-

1. The Assistant Registrar (Computer Cell), O/o Registrar Cooperative Societies, with the direction to upload the order on the website of the department.


(PRADEEP KUMAR)
DEPUTY REGISTRAR