

**OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES,
GNCT OF DELHI, OLD COURT BUILDING, PARLIAMENT STREET
NEW DELHI-110001**

F.DRCS/RTI Appeal /U/s-19/RCOSO/A/2024/60080/2023-24/171-174

Dated: 26/11/2024

Supplementary Order

This order is in continuation of earlier online order issued by undersigned on 12.08.2024 in response to RTI appeal 16/07/2024 and reminder dated 18/07/2024 addressed to PIO/ARCS Sec-5 U/s 6 of RTI Act, 2005 filed by Sh. Amit Bhargav R/o B5-44, Azad Apartments, Sri Aurobindo Marg, New Delhi-110062 u/s 19 of RTI Act 2005, against PIO order no. 47/ARH/RTI/Sec-5/RCS/Vol.I/36 dated 22/07/2024 passed by PIO/Assistant Registrar (Housing Sec-5) of the RCS office GNCT of Delhi. This order shall finally dispose of his aforesaid appeal dated 16/07/2024 and his requests/rejoinders for personal hearing dated 26/07/2024 and 12/08/2024, made to the First Appellate Authority (FAA).

Online disposal of Appeal dated 12.08.2024

Undersigned vide Online Order dated 12.08.2024 has issued directions to PIO as under:

"The PIO is directed to provide requisite information in terms of provisions of RTI Act 2005 to the appellant within 7 days of receipt of this order. Also if the applicant desires, he may be allowed to visit the office of PIO to inspect the available records relating to his application to get copies of required information as per provisions of RTI Act 2005"

After the online disposal of appeal the appellant made specific request for personal hearing to the FAA which has been allowed in the interest of principle of natural justice and this order has been passed.

Background

The appellant has stated that information has been sought within 48 hours as Navketan Co-operative Group Housing Society has in violation of MHA/GNCTD lockdown orders willfully disrupted delivery of essential goods and services from 19/03/2020. In retaliation of his complaints made to the authorities, the society had made false and frivolous counter complaints against him citing false facts and circumstances. The management of the Society was acting as if they were law unto themselves. The accused society had not complied with the directions of the Office of Registrar of Cooperative Societies. To coerce him to their unlawful submission his landlord was expelled from his membership. That expulsion was not approved by RCS and the society was first incited, mobilised and led a mob to his house, and then got him physically attacked through their guards. The society had also illegally conducted an AGM and changed the Bylaws. A threat to his life and liberty was issued by Mr. Varun Nagrath, legal advisor of the accused. Deliveryman and Visitors to his house were obstructed and harassed. Unsigned notices or unlawful demands were pasted on walls to defame him and his landlord. As such there was a

considerable threat to him and his family's life and liberty, and the information sought was in 48 hours.

He made following requests to PIO under RTI Act, 2005 :

1. Provide inspection of complete file/complete record pertaining to Navketan Co-operative Group Housing Society, popularly known as Azad Apartments, and situated on Sri Aurobindo Marg, New Delhi -110016. The registration number of the said society is said to be 2184.
2. Provide certified copy of Rules, Bylaws, and also the list of members of Navketan Co-operative Group Housing Society, popularly known as Azad Apartments, and situated on Sri Aurobindo Marg, New Delhi -110016. The registration number of the said society is said to be 2184.
3. Certified copy of any other relevant information.
4. Certified copy of file nothings on every aspect of this RTI petition and on movement of this RTI petition. He drew attention towards the order of the Hon'ble CIC under File No. CIC/SM/A/2011/901365, dated 9 July 2012, which states that....

"It must be remembered that the transparency demanded under the Right to Information (RTI) Act of all public authorities would also extend to the PIO, the Appellate Authority and the Central Information Commission in equal measure. The records generated by these authorities while dealing with any RTI application or appeal will have to be readily available in the public domain without any hindrance."

5. He requested the PIO that in case queries also relates to some other public authority please transfer this RTI petition to PIO there, u/s 6(3) of the RTI act, 2005. In addition to providing of all information available with you.

Demand of certified copies and inspection of remaining files/ record

The Applicant addressed an email dated 16.07.2024 to PIO Section 5 wherein he has requested as follows " Kindly provide certified copy of the record as per the letter enclosed. Demand of additional fee if any, be kindly raised online or bank account details of the public authority be provided where money can be transferred or deposited. Also kindly provide inspection of the remaining files/ record."

Request for certified copies Reminder dated 18.07.2024 (by Applicant) and Email thereon seeking information u/s 6(1) of the RTI Act, 2005 within 48 hours

The Applicant filed a reminder dated 18.07.2024 address to PIO Section 5 wherein he made the following submissions:

"This has reference to my online RTI application dated 10.7.2024 received by your office vide registration no RCOSO/R/2024/60214.

2. Kindly provide the certified copy of Rules, Bylaws, and also the list of members of Navketan Co- operative Group Housing Society, popularly known as Azad Apartments, and situated on Sri

Aurobindo Marg, New Delhi-110016, as sought in Query no. 2. The registration number of the said society is said to be 2184.

3. Further take note that I have been provided partial inspection of grossly incomplete and mostly non-paginated records in file no. F.47/2184/GH (No. 107400187) as detailed below:

a. File no. F.47/2184/GH (No. 107400187) containing page no's, 1/N to 271/N (dated 18 June 1983 to 31 May 2024) & page no's 1649/C to 1984/C (dated 16 August 2021 to 10 July 2024)

b. File no. 2184/GH containing page no's. 1/N to 271/N (dated 18 June 1983 to 31 May 2024) & page no's 893/C to 1648/C (dated 15 July 2019 to 30 July 2021)

4. From the grossly incomplete record inspected, kindly provide certified copies of the following. Rights to obtain certified copies of further records are reserved.

a. All pages containing File noting from page no. 213/N to 271/N,

b. Page no's 965/C to 967/C,

c. Page No: 977/C

d. Page no's 1039/C to 1040/C,

e. Page no. 1045/C,

f. Page no's 1068/C to 1076/C,

g. Page no's 1199/C to 1219/C,

h. Page no's 1259/C to 1282/C,

i. Page no's 1284/C to 1302/C,

j. Page no's 1343/C to 1347/C,

k. Page no's 1351/C to 1352/C,

l. Page no. 1364/C,

m. Page no. 1446/C

n. Page no's 1449/C to 1460/C,

o. Page no. 1480/C,

p. Page no. 1512/C,

- q. Page no. 1529/C,
- r. Page no. 1547/C,
- s. Page no's 1554/C to 1557/C,
- t. Page no's 1667/C to 1678/C,
- u. Page no's 1703/C to 1706/C,
- v. Page no's 1714/C to 1717/C,
- w. Page no's 1983/C to 1984/C

5. Inspection of the remaining file / record has not been provided. Kindly advise when the remaining record can be inspected.

6. The above record has been inspected on 16 July 2024 between 1525 hours to 1715 hours.

7. Kindly raise the demand for additional fee if any, through online mode which can be paid through <https://rtionline.delhi.gov.in>, and/or provide the Bank details of the public authority (Registrar of Cooperative Societies, GNCTD) where additional fee if any, can be deposited.”

Rejoinder to the reply by Respondent No.1 dated 26.07.2024

The appellant has filed Rejoinder on 26/07/2024. In his rejoinder he has made the following submissions:

All the claims made, allegation leveled, contention raised and averments made by Respondent in reply dated 15/02/2020 denied and disputed. Respondent reply is evasive in nature and misleading in its character. The RTI application was malafidely disposed by Respondent first on 12/07/2024 and then again on 22/07/2024.

Respondent reply is completely evasive and misleading and the whole approach of the Respondent is to mislead, confuse, and to cause to injustice to appellant.

In his reply dated 22/07/2024, the Respondent did not provide the information sought within 48 hours and malafidely disposed off the application by falsely stating that “The complete record of the concerned society has already been inspected by the applicant on 10/07/2024.” It is stated that on 10/07/2024 (first visit) he was presented with a grossly incomplete and mostly non-paginated record in file no. F.47/2184/GH (No.107400187) he was told that files prior to the year 2021 were not available and numbering of pages would take time so he should come some other day.

When he went back to inspect the file on 12/07/2024, he found that the RTI application was already malafidely disposed of by the PIO. Mr. Ram Kumar Savant, Section Officer of Section -5 of the Respondent, and his staff misbehaved and refused to show him the file. It was only when the matter was brought to the notice of senior officer, and a call made to Police Control Room that the grossly incomplete and mostly non-paginated record in file no. F.47/2184/GH (No. 107400187) was shown at about 1700 hours. With little time left, very little inspection could be carried out. He was told to come on the next day.

When he went to inspect the file on the next working day on 15.07.2024 Mr. Ram Kumar Savant, Section officer of Section 5 of the Respondent, and his staff misbehaved and refused to show the file. He was joined in the harassment by Mr. Rajeev Chhabra, Assistant Registrar (present PIO). The matter was brought to the Notice of Deputy Registrar in his administrative capacity who is also the First Appellate Authority. Again he was told to come and inspect the file the following day.

He went to inspect the file again the following day on 16.07.2024 (4th Visit). Mr. Ram Kumar Savant, Section officer of Section - 5 and his staff even disobeyed the directions of the Deputy Registrar and refused to show the file. Finally, inspection of grossly incomplete and mostly non-paginated records in file no. F.47/2184/ GH (No. 107400187) was provided at 1525 hours on 16.07.2024 as detailed below:

(a) File-no F.No.47/2184/GH(No.107400187 containing page no's 1/N-10-271/N (dated 18-June-1983 to 31-May-2024) & page no's 1649/C to 1984/C (dated 16 August 2021 to 10 July 2024).

(b) Page no's 893/C to 1648/C (dated 15 July 2019 to 30 July 2021).

The staff of the Respondent refused to accept the application for certified copies. The Respondent was not present. Hence the request was emailed on 16.7.2024. Copy of the email request for certified copies, along with the hard copy of the request submitted at the Dak Counter, and reminder, annexed.

He went to inspect the remaining records again the following working day on 18.07.2024 (5th Visit). Mr. Ram Kumar Savant, Section officer of Section 5 of the Respondent, and his staff again disobeyed the directions of the Deputy Registrar and refused to show the remaining record. For gross dereliction of duties of Mr. Ram Kumar Savant, Section officer, the matter was also taken up with Assistant Registrar (Administration). A hard copy of the request of certified copies was also submitted at the Dak counter.

On 19.07.2024 (6th Visit) he went to inspect the remaining records again, Mr. Ram Kumar Savant, Section officer of Section 5 of the Respondent, and his staff again disobeyed the directions of the Deputy Registrar and refused to show the remaining record. The matter was taken up with Registrar Cooperative Societies. At this stage the Respondent PIO asked me to come at 4 PM on 22.7.2024 to collect the certified copies after depositing the fee which he would communicate only then.

When he went to the Respondent at 4 PM on 22.7.2024 (7th Visit), he was asked to wait. At 1713 hours he was handed over the reply to deposit the fee wherein he was asked to deposit Rs. 387 towards additional fee for certified copies and inspection charges. No calculation of fee was provided as required u/s 7(3)(a) of The Right to Information Act, 2005. The Respondent also did not disclose his name or contact details.

Finally at 1755 hours on 22.7.2024 he was provided the certified copies after payment of fees. However, pages 1983/c to 1984/c were found missing and not provided. Also, several pages were found to be truncated and information therein concealed without making any such disclosure in the Reply of the Respondent.

The Appellant has referred decision of Hon'ble Central Information Commission vide its decision No. CIC/SA/C/ 2013/000013 dated 09.10.2014 in Ashok Kr. Dixit v/s Delhi Technological University, GNCTD, Delhi has held that...

"Record cannot be destroyed after RTI application is filed, even if it outlived the time prescribed under weeding out policy, and if destroyed like that, it would invite the penalty under Section 20 of RTI Act."

It is further stated by him that in response to query at Sl. no. 1, the Respondent has not:

- i. Provided inspection of the complete record until date, and;
- ii. Not provided all the certified copies that were sought, and;
- iii. Malafidely truncated and concealed information in the certified copies provided without making any disclosure in this regard. At this stage, no information can be concealed or denied as inspection of file has been allowed without any restriction.

Also, the Appellant has stated that in response to Query at Sl. No. 2, the Respondent has provided an evasive reply instead of providing query specific documents sought. The Bye-Laws of the Society are not part of the Annual Report, and the information from the Annual Report has also been malafidely concealed by the Respondent without making any disclosure in this regard in his reply. Query specific reply and certified copies of the documents sought vide Query no. 2 are required to be provided.

In response to Query at Sl. No. 3, he has stated that the Respondent has provided an evasive reply. If there is any other relevant information that it should be provided or clearly stated that no other relevant information is available.

As regards, Query at Sl. No. 4, it is stated that the Respondent has malafidely not provided the information sought and falsely claimed to have provided the reply. Certified copy of file notings on every aspect of this RTI petition and on movement of this RTI petition is required to be provided.

As regards Para 5 the respondent has claimed that "No information is sought" whereas item no. 5 of the RTI application states that "In case queries also relates to some other public authority, please transfer this RTI petition to PIO there, u/s 6(3) of the RTI act. 2005, in addition to providing of all information available with you." The Respondent has not provided the information sought nor transferred the RTI application.

He has also referred to order of the Hon'ble CIC under File No.CIC/SM/A/2011/901365, dated 9 July 2012, which directs that...

"It must be remembered that the transparency demanded under the Right to Information (RTI) Act of all public authorities would also extend to the PIO, the Appellate Authority and the Central Information Commission in equal measure. The records generated by these authorities while dealing with any RTI application or appeal will have to be readily available in the public domain without any hindrance."

He has stated that in view of the above, the submissions made by the Respondent may be rejected and the relief sought by the Appellant may be allowed.

Email dated 26.07.2024

The Appellant filed a rejoinder in first appeal No. RCOSO/A/2024/60080 requesting for a personal hearing.

Another request for Hearing dated 12.08.2024 – Reminder

The Appellant sent an email dated 12.08.2024 wherein he request for a personal hearing in the matter stating that passing of orders by FAA without hearing would render the order invalid and will amount to breach of 'principal of natural justice'. He cited a no. of decisions of Hon'ble Courts and Hon'ble CIC in this regard.

Personal hearings conducted by FAA

The request for personal hearing was accepted by undersigned (FAA) and notice for hearing was issued to the Appellant and the Respondent. In the notice it was stated that both the parties may submit their version in this case either in person or through their representative. They may also produce relating documents related to the case. The hearings were conducted on 29.08.2024 and 10.09.2024.

Reply Dated 29.08.2024 Filed By PIO (Respondent) in personal hearing

FAA conducted the personal hearings which were attended by the Appellant -Sh. Amit Bhargava and PIO- Sh. Rajeev Chhabra. The Respondent PIO filed his reply dated 29.08.2024 to the submissions made in appeal. He had made following submissions in his reply:

"Background of the matter:-

(i) The RTI is dated 10.07.2024. After posting and joining the department of RCS for the first time in his career he started looking after the work of Section 5 on 15.07.2024 itself. This matter came into his notice on that date, while sitting in the Section 5. From the arguments &

counter arguments between Sh. Amit Bhargava and Sh. Ram Kumar Savant, Section Officer/In-charge and staff, which was not only regarding RTI but also regarding unnecessary heated arguments amongst them and allegation on each other in respect of his earlier habitual complaints not only regarding the affairs of the Society but also against a number of ex-officers and staff of RCS, the clothes worn by Sh. Amit Bhargava, Dogs moving around in room/corridor/RCS Office complex too. He stated to have no prior acquaintance with either of the two i.e. Amit Bhargava or Sh. Ram Kumar Savant, still he tried to resolve their unnecessary arguments and issues, but it was of no use. Finally, Sh. Amit Bhargava continued his arguments with the Section Officer and also made a call to police. He might have met senior officers as mentioned in his appeal.

On the main issue i.e. RTI application dated 10.07.2024, the facts of the case are stated as under:-

1. Sh. Ram Kumar Savant, Section Officer Sec-05/APIO showed him RTI application, discussed the issues and *informed that the predecessor PIO had already allowed "inspection" on the face of the PUC itself. However, he (Rajeev Chhabara) was of the opinion that in such RTI matters, primarily at the first instance the point wise reply should have been given to the applicant, also mentioning the specific period/date/time for inspection, if needed, in respect of any point. However, since, that stage had already gone, it was continued for further necessary action.*

2 Sh. Ram Kumar Savant, Section Officer, also told that whatever records available had been shown which comprises of:-

(i) Noting Portion of file No. F.47/2184/GH (CD No. 107400187) i.e. for period comprising from 1983 to 2024.

(ii) Two correspondence side files starting from page Nos. 893/C to 1648/C to and 1649/C to 1984/C having period from 2019 to 2024. He also discussed & informed that as far as the records/matters related to a Cooperative Society are concerned, the same are governed by DCS Act 2003 and DCS Rules 2007 And also that section 139(1) of DCS Act 2003 deals with Right to Information under that Act, as per which,

"Right to information 139"

(1) Any member or creditor having interest in the affairs of the co-operative society may seek information relating to any transaction of the co-operative society and for that purpose may be provided a certified copy of any document within thirty days from the date of receipt of application relating to such transaction on payment of such fee as may be specified

4. He also informed that the file prior to the year 2019 (only correspondence side) is not available in file, however, sincere efforts are made by the Section to trace the same. Accordingly, he was advised to make more efforts to trace the same.

5. However, it is later on came into knowledge & also worth mentioning that Sh. Amit Bhargava is not a Member of that society namely Navketan CGHS Ltd but a Tenant there. He has many personal issues too there, as well as with other departments of GNCTD and he had been making regular complaints not only against the society/its Managing Committee but also against many ex-officers & staff of RCS office including the then Secretary-cum-Registrar, former Registrar, Assistant Registrars & Dealing Assistants, Transport Department, GNCTD etc. The concerned Co-operative Society too has many unresolved issues against him allegations in respect of his acts of suppression, warning letter issued to him by the District Magistrate and so on.

6. Accordingly, it appears that he is trying to collect documents of the society as well as the personal details of the members of the Society, more for his own use regarding his allegations & issues rather than for any Larger Public Interest. Also that the content/matter of RTI does not contain anything which reflects situation of Death or Liberty.

Action Taken on RTI & Reply given

The PIO has filed his reply dated 29/08/2024, wherein he has stated that vide this office letter dt.22.07.2024 point-wise reply was given to Sh. Amit Bhargava. Also all the pages identified by him were given to him under receipt. Page No. 1983/C to 1984/C are of his RTI application itself and if he desires copy of it too, the same is available to be given to him, if so ordered by FAA. There is not at all any intention to hide anything and the allegations are denied being totally false and malafide, however, as far as, copies of page Nos. from 1284/C to 1296/C are concerned it is informed that these documents contain personal information of all the members of the Society i.e. their PAN No. & Date of Birth, combination of which may be misused by anyone and accordingly such personal details of all members of the Society should not have been given to any third person.

However, the FAA being a Competent Authority may like to give specific directions in this regard, if so. Further, it is reiterated that the applicant is likely trying to collect documents of the society/files as well as the personal details of the members of the Society, more for his own use regarding his allegations & issues rather than for any Larger Public Interest. Also the issue of Right to Information (regarding cooperative societies) is available U/s 139 of the DCS Act, 2003, for bonafide eligible persons only."

Rejoinder dated 10.09.2024 by Appellant to the reply dated 29.08.2024 of the Respondent (PIO)

During the personal hearing, Appellant filed Rejoinder dated 10.09.2024 to the Reply of the Respondent dated 29.08.2024 wherein he made following submissions:

a) All claims made allegations level contentions raised and averments made in the Respondent reply dated 29.08.2024 are denied and disputed. Respondent's reply is evasive in nature and misleading in its character.

b) The Respondent has not disclosed that there exist a complaint against him and his staff of misbehavior made by the complainant and he has not complied with the order date 12.08.2024 of the Learned FAA.

c) The Respondent PIO has violated Section 10(2) (c) of the RTI Act, 2005 read along with DOPT OM No. 10/1/2013-IR, dated 06.10.2015 which requires the PIO to disclose his name, designation, telephone number and e-mail Id in his replies.

d) Further it is stated that PIO has made unsubstantiated personal attacks on appellant without addressing the issue of missing record and information malafidely concealed by him. He has stated that approach of the Respondent is to mislead, confuse and cause injustice to Appellant.

e) He has stated that the present PIO is bound to provide inspection of the complete record as allowed by his predecessor PIO and provide the certified copies of the record sought. Present PIO has no authority or jurisdiction to overrule the decision of earlier PIO. It is stated that he has not complied with orders of FAA dated 12.08.2024.

f) He has stated that FAA disposed the first appeal without hearing on 12.08.2024 without a signed order. He has stated that FAA has malafidely recorded "No public interest issue raised by Applicant." Also he had requested the FAA to recuse himself from hearing the matter as he has no faith in him.

Parawise Rejoinder to Respondent's Reply Dated 22/07/2024

The Appellant has made following para wise submission in addition to his submissions made earlier:

Para: Background of the matter :

Respondent appeared to him as habitual offender of law and has not even complied with the order dated 12/08/2024 of FAA, made unsubstantiated and baseless allegations against the Appellant without any documentary evidence which are irrelevant under the provisions of The Right to Information Act, 2005.

Para 1: The present PIO has admitted to the fact that the predecessor PIO had allowed "Inspection" of the Record. The present PIO is bound to provide inspection of the complete record as allowed by the PIO prior to him, and provide certified copies of the record sought without any hindrance. The present PIO on the contrary, first malafidely disposed the RTI application on 12.7.2024 without providing inspection of the record, and thereafter has provided inspection of incomplete record. If this was not enough, the present PIO also malafidely removed information from the certified copies provided, without disclosure.

Para 2 & Para 4: The present PIO has admitted to have provided inspection of incomplete record terming it as "whatever available" and is malafidely withholding information sought which has been allowed by the predecessor PIO. There is nothing on record to show that the record on the noting side prior to 1983, and on correspondence side prior to 2019, has been weeded out. In fact record of the year 2024 is also not on file and missing. It is alleged that the present PIO is

allegedly concocting a scheme to destroy the record, and/or has malafidely destroyed the record in active collusion with the Managing Committee of Navketan Cooperative Group housing society.

He has referred decision of Hon'ble Central Information Commission No. CIC/SA/C/2013/000013 dated 09.10.2014 in Ashok Kr. Dixit v/s Delhi Technological University, GNCTD, Delhi wherein it was held that :

The Commission does not accept the claim of the respondents that the record is weeded out without showing their Weeding out Policy, especially when an RTI application is pending in respect of that record. If the record is weeded out during the pendency of the RTI application, they will be held responsible.

Further, Record cannot be destroyed after RTI application is filed, even if it outlived the time prescribed under weeding out policy, and if destroyed like that, it would invite the penalty under Section 20 of RTI Act.

Para 3: The Respondent PIO's reply is false and misleading. The information sought by the Appellant is under The Right to Information Act, 2005 from the Respondent PIO, and not u/s 139 of the Delhi Cooperative Societies Act, 2003 from the society. Section

139 of the Delhi Cooperative Societies Act, 2003 has no relevance in the present matter.

Para 5: Allegations leveled by the Respondent are false and malicious without any documentary evidence. The Respondent who appears to be a habitual violator of law has malafidely indulged in character assassination of the Appellant to confuse the matter without complying with (a) directions of his predecessor PIO, and (b) order dated 12.8.2024 of the Learned First Appellate Authority.

Para 6: The Respondent PIO has placed nothing on record to substantiate is baseless allegations. The present PIO has admitted to the fact that the predecessor PIO had allowed "Inspection" of the Record. The present PIO is bound to provide inspection of the complete record as allowed by the PIO prior to him, and provide certified copies of the record sought. The Respondent has also failed to justify why the information sought has not been provided within 48 hours despite reasons of considerable threat to my and my family's life and liberty (referred as death and liberty by the PIO) cited in the RTI application.

The Appellant has also stated that the Respondent PIO lacks knowledge of Article 21 of the Constitution of India, reproduced below.

No person shall be deprived of his life or personal liberty except according to procedure established by law.

Similarly the issue of Larger Public Interest has not been raised by the Respondent PIO while disposing the RTI application. The Respondent PIO has not denied any information sought u/s 8 of The Right to Information Act, 2005 and the same cannot be malafidely concealed or denied at this stage.

Appellant also referred decision of Hon'ble Central Information Commission No. CIC/OK/A/ 2008/00860/SG/0809 dated 31.12.2009 in Mr. Mangla Ram Jat v/ s CPIO, Banaras Hindu University, Delhi has held that...

The Right to Information is one of the most fundamental Human Rights recognized by the world community and stands incorporated in the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights (Art. 19). This has always been a Fundamental Right of the citizens under Article 19 (1) (a) of the Constitution of India, and stands.

Therefore, for the reasons stated above, the Commission comes to a conclusion that there can be no sanction of law for denying the information to the appellant.

Para: Action taken on RTI & Replies given: The Respondent PIO is making false and baseless allegations, and whimsical statements, while also admitting that he has not even provided copies of page no's 1983/C & 1984/C of which certified copies were sought.

It is humbly submitted that

In response to query at Sl. no. 1, the Respondent PIO has malafidely not

- i. Provided inspection of the complete record until date allowed by the predecessor PIO, and,
- ii. Not provided all the certified copies that were sought, and;
- iii. Malafidely truncated and concealed information in the certified copies provided without making any disclosure in this regard. At this stage, no information can be concealed or denied as inspection of file has been allowed without any restriction.

In response to Query at Sl. No. 2, the Respondent has provided an evasive reply instead of providing query specific documents sought. The Bye-Laws of the Society are not part of the Annual Report, and the information from the Annual Report has also been malafidely concealed by the Respondent without making any disclosure in this regard in his reply. Query specific reply and certified copies of the documents sought vide Query no. 2 are required to be provided.

In response to Query at Sl. No. 3, the Respondent has provided an evasive reply. If there is any other relevant information that it should be provided or clearly stated that no other relevant information is available.

In response to Query at Sl. No. 4, the Respondent has malafidely not provided the information sought and falsely claimed to have provided the reply. Certified copy of file notings on every aspect of this RTI petition and on movement of this RTI petition is required to be provided.

In response to Query at Sl. No. 5, the respondent has claimed that "No information is sought" whereas item no. 5 of the RTI application states that "In case queries also relates to some other public authority, please transfer this RTI petition to PIO there, u/s 6(3) of the RTI act, 2005. in addition to providing of all information available with you." The Respondent has not provided the information sought nor transferred the RTI application.

It is also worthy to note that the order of the Hon'ble CIC under File No.CIC/SM/A/2011/901365, dated 9 July 2012, directs that...

"6. It must be remembered that the transparency demanded under the Right to Information (RTI) Act of all public authorities would also extend to the CPIO, the Appellate Authority and the Central Information Commission in equal measure. The records generated by these authorities while dealing with any RTI application or appeal will have to be readily available in the public domain without any hindrance."

In view of the above, the submissions made by the Respondent may be rejected and the relief sought by the Appellant may be allowed.

Further, the Learned First Appellate Authority is requested to provide the information sought himself as suggested in Department of Personnel & Training OM F.No. 1/32/2013-IR dated 17 February 2015, relevant portion of which is reproduced below.

2. If an appellate authority while deciding an appeal comes to a conclusion that the appellant should be supplied information in addition to what has been supplied by the Public Information Officer, he may either (1) pass an order directing the Public Information Officer to give such information to the appellant; or (ii) he himself may give information to the appellant. In the first case the appellate authority should ensure that the information ordered by him to be supplied is supplied to the appellant immediately. *It would, however, be better if the appellate authority chooses the second course of action and he himself furnishes the information along with the order passed by him in the matter.*

Conclusions

Hearings were conducted by undersigned/FAA on 29/08/2024 & 10/09/2024 which were attended by the Appellant -Sh. Amit Bhargava and PIO- Sh. Rajeev Chhabra. On the basis of available documents /records on file and submissions/arguments made by the parties during proceedings, I conclude as under:

1. From the contents of the RTI application dated 10-07-2024, filed by the appellant issue of his Life and Liberty in terms of Article 21 of the Constitution of India is not made out even remotely. There is no violation on part of PIO by not providing the inspection of complete file/Complete record of the society within 48 hours.
2. The RTI application filed seems more of a grievance rather than seeking information, documents. The provisions of RTI Act 2005 are not a platform for redressal of grievances.
3. After inspection of available records with the PIO, nothing survives, even though no specific information and documents have been sought by the appellant in terms of Section 6 of RTI Act, 2005. It is not practically possible for the PIO to get complete records of the society inspected by the appellant since its inception as the same would drain the recourses of the department.
4. However, as the appellant has stated that certain documents have not been provided to him by the PIO after inspection, he may approach the PIO within 03 days of receipt of this order and

provide details of the specific documents which he has not received after inspection. PIO is directed to provide the documents, if available with him within 05 days of the receipt of the requisition from the appellant, in terms of provisions of the RTI Act 2005.

6. The appeal is accordingly disposed off.

As per Section 19 of the Right to Information Act, 2005, the Appellant may file an appeal, if any, within 90 days of the issue of this order before Second Appellate Authority i.e. Central Information Commission, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi -110067.



(Pradeep Kumar)

Dy. Registrar/First Appellate Authority

Tel. No. 011- 23340237 Email ID – rcoop@nic.in

F.DRCS/RTI Appeal /U/s-19/RCOSO/A/2024/60080/2023-24/171-174

Dated: 26/11/2024

Copy forwarded for information and necessary action:-

1. The PIO/ARCS (G/H Sec-5), O/o RCS, Parliament Street, New Delhi -110001.

✓ 2. The ARCS (IT), O/o RCS, Parliament Street, New Delhi -110001 for uploading of the order on website.

3. Sh. Amit Bhargava, R/o B5 -44, Azad Apartments, Sri Aurobindo Marg, New Delhi -110062.

Copy forwarded for information:

1. The Nodal Officer, RTI Section, O/o RCS, Parliament Street n, New Delhi -110001.



(Pradeep Kumar)

Dy. Registrar/First Appellate Authority

Deputy Registrar
O/o Registrar Coop. Societies
Old Court Building Parliament Street
New Delhi-110001