



**OFFICE OF THE  
ASSAM INFORMATION COMMISSION  
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : DBR.32/2016  
Complainant : Shri Prem Chand Shah  
Respondent : Secretary, Dibrugarh Wholesale Consumer's coop.  
Society Ltd.  
Date of hearing : 14.12.2016  
Complaint/ Second : Shri H. S. Das, IAS (Retd)  
Appeal heard by : Chief Information Commissioner, Assam

**O R D E R**

14.12.2016

The petitioner Shri Prem Chand Shah is absent without any information. The public authority to be represented by the Secretary of Dibrugarh Wholesale Consumer's Co-operative Society Ltd. (WCCS) is absent. However, he has sent a written communication on 14.12.16 stating that due to physical indisposition he could not attend today's hearing. He has prayed for another date. Written statement dated 1.12.16 has been received from the Asstt. Registrar of Co-operative Societies, Dibrugarh and the first appellate authority. The ARCS in his WS has stated that his office is not the custodian of the information sought for.

From perusal of the case records it is seen that the petitioner filed his RTI petition dated 12.5.15 before the SPIO of the office of the Deputy Commissioner, Dibrugarh. The SPIO of DC's office transferred the RTI petition to the Deputy Director, FCS&CA, Dibrugarh vide letter dated 18.5.15, which in turn was transferred by the Deputy Director, FCS&CA, Dibrugarh to ARCS, Dibrugarh vide letter dated 21.5.15. Finally, vide letter dated 22.5.15, the ARCS, Dibrugarh office transferred the RTI petition to Secretary, Dibrugarh WCCS Ltd.

Dibrugarh WCCS Ltd. Being a co-operative society does not directly fall within the purview of RTI Act, 2005.

However, this Commission is of the view that although ARCS of Dibrugarh is not the custodian or holder of the informations sought for by the petitioner, yet he is duty bound to act on the RTI petition dated 12.5.15, which was received by him by way of transfer from the office of the Deputy Commissioner, Dibrugarh and the Dy

Director, FCS&CA, Dibrugarh in that sequence. The ARCS, Dibrugarh is directed to refer to the last part of the section 2(f) of the RTI Act, 2005, which says that “information” under the RTI Act, 2005 means and includes, inter alia, “information relating to any private body which can be accessed by the public authority under any other law for the time being in force”. This Commission, therefore, directs the ARCS, Dibrugarh to obtain the informations sought for by the petitioner vide his RTI petition dated 12.5.15, if the ARCS is empowered to do so under the relevant provisions of the Assam Co-operative Societies Act, 2007, and furnish the same to the petitioner within 30 days from the date of receipt of this order. If any information cannot be obtained by the ARCS in exercise of power conferred upon him under the relevant provisions of the Assam Co-operative Societies Act, 2007 then also the ARCS, Dibrugarh will inform the petitioner about his limitations with reference to the specific information sought for by the petitioner.

With the above order, the second appeal petition dated 27.7.15 is disposed of.

Sd/-

(H.S. Das)

Chief Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar

Assam Information Commission

Memo No. SIC/ DBR.32./2016/33-A

Dtd. 14.12.2016

- Copy to:
1. The Asstt. Registrar of Co-operative Societies, Dibrugarh, Assam for information and necessary action.
  2. Shri Prem Chand Shah, Jibon Phukan Nagar, House No. 675, PO-C.R. Building, Dist. Dibrugarh, Assam for information.  
Dibrugarh, Assam, PIN- 786 007 for information.
  3. Computer Section for uploading in the Website.
  4. Office File.
  5. Order Book.

Registrar

Assam Information Commission