



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

Case No. : SIC/DRN.30/2018
Appellant : Sri Madan Mohan Nath
Respondent : The SPIO, O/o the Asstt. Registrar of Co-Operative Societies,
Mangaldai, PO & PS- Mangaldai, Dist.- Darrang, Assam
Date of hearing : 26.06.2018
Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R
26.06.2018

Sri Dibya Jyoti Mahanta, Senior Inspector of Co-Operative Societies, office of the Assistant Registrar of Co-Operative Societies, Mangaldai is present along with an assistant as deputed by the ARCS, Mangaldai.

A Written Statement dated 25.06.2018 has been received from the Deputy Commissioner, Mangaldai to whom the Second Appeal dated 18.04.2018 had been submitted in connection with the RTI Application dated 16.12.2017.

Perused the Written Statement. It has been stated that the First Appeal had been transferred to the ARCS, Mangaldai as the matter pertained to that of Public Authority.

Heard the respondent's depute. It has been submitted that the ARCS, Mangaldai has very little regulatory control over Co-Operative Societies such as Balipara Min Silpa Samabay Samiti in respect of which information has been sought for by the Appellant. However, based on the information/documents that can be collected, information has been provided in respect of all the points barring point numbers 1, 4 (5), 8 and 9, and partially in respect of point number 6. It was submitted that the audit report for the years 2016 and 2017 in point number 6 could be available with DRCS, Mangaldai in addition to the SS Ltd. itself. The rest of the information shall be available with the SS Ltd. of which the Appellant had been a share holder.

Heard the Appellant. He submitted that he had sought for the information from the ARCS for the reason that he was unable to obtain the same from the SS Ltd. and that SS Ltd. was being mismanaged by a few people. He acknowledged receipt of the information as mentioned by the respondent. He added that he has not been able to obtain a copy of the resolutions and proceedings of the executive committee and AGM where his membership was declared null.

From the submission made by the parties as above, the Commission observes that as the SS Ltd. is the holder of the information and therefore the Appellant as a share holder ought to obtain the same from the organization including the audit report for the said years namely, 2016 and 2017. However, the office of the DRCS, Mangaldai ought also be able to furnish the same as an auditor of the SS Ltd.

In view of the facts brought out above, **the Commission hereby orders that the SPIO, office of the ARCS, Mangaldai shall transfer U/S 6(3) of the RTI Act, 2005 point number 6 of the RTI Application to the SPIO, office of the DRCS, Mangaldai for furnishing the audit report of the said SS Ltd. for the years 2016 and 2017. As regards, the rest of the wanting information the Appellant shall be at liberty to obtain the same from the said SS Ltd. as a direct stakeholder in the organization.**

The Second Appeal is hereby disposed of.

Sd/-

Pinuel Basumatary IA & AS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Joint Registrar
Assam Information Commission

Memo No. SIC/DRN.30 /2018/20-A

Dtd.26.06.2018

Copy to:

1. The SPIO, O/o the Asstt. Registrar of Co-Operative Societies, Mangaldai, PO & PS-Mangaldai, Dist.- Darrang, Assam, Pin- 784 125 for information and necessary action.
2. The SPIO, O/o the Deputy Registrar of Co-Operative Societies, Mangaldai, PO & PS-Mangaldai, Dist.- Darrang, Assam, Pin- 784 125 for information and necessary action.
3. The First Appellate Authority/Deputy Commissioner, Darrang, Dist.- Darrang, Assam, Pin- 784 125 for information.
4. The Appellant, Sri Madan Mohan Nath, Advocate, Mangaldai Bar Association, PO-Mangaldai, Dist.- Darrang, Assam, Pin- 784 145 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Joint Registrar
Assam Information Commission