



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

Case No. : KP(M).136 /2018
Complainant/ appellant : Shri Utpal Das
Respondent : SPIO of the office of the Registrar, Co-operative Societies,
Govt. of Assam
Date of hearing : 01.11.2018
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by Chief Information Commissioner, Assam

O R D E R

01.11.2018

1. The petitioner Shri Utpal Das is present. The public authority, i.e. the Registrar of Co-operative Societies, Assam is represented by Shri Abhijit Deka, SRCS and SPIO of Registrar of Co-operative Societies, Assam accompanied by Shri Rakesh Hazarika and Md. Ramizul Haque Ahmed, Chairman and Md Tajimul Haque, Secretary of Pioneer Co-operative Market Ltd., Athgaon, Guwahati. The second appeal petition dated 20.01.2018 is taken up for hearing in presence of both the parties.

2. The SPIO and Sub-Registrar of Co-operative Societies in the office of the RCS, Assam has submitted a written statement dated 31.10.2018, which is entered into the case records. It has been mentioned in the WS that informations in respect of point nos. 3 and 4 were already furnished to the petitioner. The petitioner acknowledged receipt of the informations against point nos. 3 and 4. The SPIO and SRCS of the office of the RCS produced before this Commission copy of his letter dated 12.12.2017 by which sought for informations in respect of point no. 1 and 2 were forwarded to him in the form of a copy of letter No. CF.40/2017/3 dated 22.11.2017. The petitioner Shri Utpal Das is directed to collect copy of the same from the Registrar of this Commission today.

3.(a) Point no. 5 of the RTI petition relates to Pioneer Co-operative Market Ltd., Athgaon, Guwahati. The chairman of the co-operative market submitted that they are a registered as Co-operative Society and is not a public authority under the meaning of section 2(h) of the RTI Act, 2005. Therefore, the co-operative market has no obligation to furnish any information to the petitioner.

(b) However, this Commission is of the view that the Registrar of Co-operative Societies, Assam, to whom the RTI petition dated 3.10.2017 was addressed, can take necessary action with reference to the last line of section 2(f) of the RTI Act, 2005. In other words, if under the Assam Co-operative Societies Act, 2007 or in exercise of powers under any other law for the time being in force, the Registrar of Co-operative Societies is entitled to access on any of the sought for information under point no. 5 of

the petition, he may do so and furnish the same to the petitioner. The SPIO of the office of the RCS, Assam is, therefore directed to proceed accordingly and give an appropriate response to the petitioner within 30 days from the date of this order, which was pronounced in presence of both the parties.

4. With the above order, the second appeal petition dated 20.01.2018 is disposed of.

Sd/-

(H. S. Das)
Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Joint Registrar
Assam Information Commission

Memo No. SIC/ KP(M).136/2018/

Dtd. 01.11.2018

Copy to: 1. The Sub-Registrar in the office of the Registrar of Co-operative Societies, Assam, Khanapara, Guwahati-22 for information and necessary action
2. The President/ Secretary, Pioneer Co-operative Market Ltd., Athgaon, Guwahati-8 for information as ordered above.
3. Shri Utpal Das, House No. 41, Rang Pathar Bye Lane, Fatashil Ambari, Guwahati-25 for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book

Joint Registrar
Assam Information Commission