

THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment delivered on: 02.03.2015

+ **W.P.(C) 6751/2013**

SUBHASH CHANDRA AGRAWAL

..... Petitioner

versus

**INDIAN FARMERS FERTILISER COOPERATIVE
LTD. & ANR.**

..... Respondents

AND

+ **W.P.(C) 824/2014**

DR. M HAROON SIDDIQUI

..... Petitioner

versus

**INDIAN FARMERS FERTALISER COOPERATIVE
LTD. & ORS.**

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr Ramesh K. Mishra for Mr Prashant Bhushan in W.P.(C) 6751/2013.
Mr Prashant Chandra Sen with Ms Ankita Saikia and Mr Rohit Kumar in W.P.(C) 824/2014
For the Respondent : Mr Arvind Nigam, Sr. Advocate with Mr Rajiv Bansal, and Mr Aman Nandrajog for IFFCO.
Mr Vikram Jetly, CGSC for UOI in W.P.(C) 6751/2013.
Mr Sanjeev Narula (CGSC) and Mr Ajay Kalra for UOI (R-2 & R-3) in W.P.(C) 824/2014.

CORAM:-

HON'BLE MR JUSTICE VIBHU BAKHRU

JUDGMENT

VIBHU BAKHRU, J

1. The petitioners have filed the present petitions impugning a common order dated 05.08.2013 (hereafter 'impugned order') passed by the Central

Information Commission (CIC) holding that the respondent - Indian Farmers Fertiliser Cooperative Limited (hereafter 'IFFCO') is not a 'Public Authority' within the meaning of Section 2(h) of the Right to Information Act, 2005 (hereafter the 'Act').

2. The relevant facts pertaining to W.P.(C) No.6751//2013 are that the petitioner - Subhash Chandra Agrawal, filed an application dated 20.01.2011 under the Act with IFFCO seeking various information. By a letter dated 03.02.2011, IFFCO rejected the said application stating that IFFCO has no government equity and IFFCO is not a 'public authority' under Section 2(h) of the Act. On 31.03.2013, the first appeal filed by Subhash Chandra Agarwal against the letter dated 03.02.2011 was also rejected. Thereafter, Subhash Chandra Agarwal filed a second appeal (No.CIC/SS/A/2011/001245) before the CIC against the order dated 31.03.2013.

3. Subhash Chandra Agrawal also filed an application dated 20.01.2011 under the Act with the Department of Agriculture and Co-operation seeking various information. By a letter dated 24.02.2011, the Department of Agriculture and Co-operation transferred the said application to IFFCO. On 04.03.2011, the first appeal filed by Subhash Chandra Agarwal against the letter dated 24.02.2011 was also transferred by the Department of Agriculture and Co-operation to the Appellate Authority of IFFCO. Thereafter, Subhash Chandra Agrawal filed a second appeal (No.CIC/SS/A/2011/001246) before the CIC against the order dated 04.03.2011.

4. The relevant facts pertaining to W.P.(C) No.824/2014 are that the petitioner - Dr. M. Haroon Siddiqui, filed applications dated 18.05.2010 and 22.05.2010 under the Act with IFFCO seeking various information. On 02.06.2010, IFFCO rejected the said applications contending that it was not a 'public authority' within the meaning of Section 2(h) of the Act. On 08.07.2010, the appeal filed by Dr. M. Haroon Siddiqui challenging the refusal of information was rejected by the First Appellate Authority of IFFCO. Thereafter, Dr. M. Haroon Siddiqui filed a second appeal (No.CIC/SS/A/2011/001565) before the CIC against the order of First Appellate Authority dated 08.07.2010.

5. The CIC, by the impugned order dated 05.08.2013, rejected all three aforementioned second appeals filed by the petitioners and held that IFFCO is not a public authority under the Act. The CIC observed that IFFCO is not substantially financed and controlled by the appropriate government.

6. Thus, the issue to be addressed is whether IFFCO is substantially financed and/or controlled by the appropriate government so as to fall within the sweep of Section 2(h) of the Act.

Submissions

7. The petitioners contended that IFFCO is a public authority within the meaning of Section 2(h) of the Act as according to them, IFFCO is controlled and substantially financed by the Central Government. It was contended that the Government has exhaustive powers under the Multi-State Cooperative Societies Act, 2002 (hereafter the 'MSCS Act') for taking over management and control of Multi-State Cooperative Societies

and as IFFCO is a Multi-State Cooperative Society, the Government exercises substantial control by virtue of the MSCS Act. The petitioners relied on the decision of this Court in **Krishak Bharti Cooperative Ltd. v. Ramesh Chander Bawa: (2010) 118 DRJ 176** in support of their contention. In particular, the learned counsel referred to paragraph 59 of the said judgment which read as under:-

“59. Just as the right to vote of the ‘little’ citizen is of profound significance in a democracy, so is the right to information. It is another small but potent key in the hands of India's ‘little’ people that can ‘unlock’ and lay bare the internal workings of public authorities whose decisions affect their daily lives in myriad unknown ways. What was said of the working of a government in a democracy in *S.P. Gupta v. Union of India*, 1981 Supp SCC 87 should hold good for the working of a multi-state Co-operative society too. The Court there said (SCC, p. 453):

“In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but few secrets. The people of this country have a right to know every public act, everything that is done in a public way, by their public functionaries.”

In the context of the working of multi-state co-operative societies, which by their very nature facilitate participatory decision-making through a network of elected bodies at different levels, the opening up of their working to public scrutiny through the RTI Act can only be in their best interests. Instead of shying away from, the RTI Act, large multi-state co-operative societies like KRIBHCO, NCCF and NAFED should view it as an opportunity.”

8. It was further contended that IFFCO also fell within the administrative control of the Ministry of Chemicals and Fertilizers, Department of Fertilizers. In support of this contention, the petitioners relied on the Government of India (Allocation of Business) Rules, 1961.

The Second Schedule to the said Rules provides for distribution of subjects amongst departments and it is expressly indicated that “*Administrative responsibility for fertilizers production units in the cooperative sector, namely, Indian Farmers Cooperative Limited (IFFCO), Krishak Bharti Cooperative Limited (KRIBHCO)*” fall with the Department of Fertilizers.

9. It was next contended that several constituent members of IFFCO are units which are controlled and funded by State Government and are public authorities. It was further stated that the Board of Directors of IFFCO also constitute nominees of the Central Government and, therefore, the Central Government exercises direct control over IFFCO, through its nominees.

10. The petitioners also submitted that IFFCO is substantially funded by the Central Government. It was argued that the infrastructure of IFFCO was directly funded and aided by the Central Government, which had subscribed to majority of its initial share capital. In addition, it was asserted that large amount of subsidies are paid by Central Government to IFFCO; the Central Government had released following subsidies to IFFCO:-

- “(a) *For indigeneous P&K Fertilizers – Rs. 5935.22 Crores in 2010-11; Rs. 5968.28 Crores in 2011-12; Rs. 4489.78 Crores in 2012-13.*
- (b) *For imported P&K Fertilizers – Rs. 2962.37 Crores in 2010-11; Rs. 2104.61 Crores in 2011-12 and Rs. 1998.94 Crores in 2012-13.*
- (c) *For indigeneous Urea – Rs. 2924.15 Crores in 2010-11; Rs. 3385.49 Crores in 2011-12 and Rs. 3873.56 Crores in 2012-13.*
- (d) *For import of Urea – Rs. 5935.22 Crores in 2010-11; Rs. 5968.28 Crores in 2011-12 and Rs. 4489.78 Crores in 2012-13.”*

11. The petitioners further stated that in addition to the general subsidies, a sum of ₹1680 crores had been released to IFFCO as 5 units of IFFCO were sponsored under the Corporation Sponsored Scheme for Agricultural Marketing and inputs. The petitioners relied upon the report of the National Cooperative Development Corporation (hereafter 'NCDC') for the year 2012-13 in support of this contention.

12. The learned counsel for the petitioners urged that an authority would not cease to be a public authority by mere repatriation of the equity as long as potential for being so controlled or substantially financed in future existed. He referred to Section 61 of the MSCS Act to show that the central government had the potential to control such societies in future. He argued that the Central Government provided land, building and other infrastructure facilities at concessional rates to IFFCO, without which IFFCO would struggle to exist. He argued that "control" or "substantial finance" need not necessarily be in *presenti*. Reliance was placed on the decision of a coordinate bench of this Court in **Krishak Bharti** (*supra*) in support of this contention. He further submitted that the subsidies provided by the central government were substantial and material in nature and in absence of such subsidies the core function of manufacturing and distribution of fertilizers by IFFCO would not be feasible. Further, IFFCO is directly financed by its members which are state owned cooperative societies.

13. The learned counsel for respondents controverted the submissions made on behalf of the petitioners. It was stated that the share capital subscribed by the Central Government was returned by IFFCO in 2004 and

as such the Central Government did not hold any shares of IFFCO. It was further submitted that all functional Directors of IFFCO were appointed by the Board of Directors of IFFCO and other Directors were appointed by its shareholders. The Central Government neither appoints any Directors on the Board of IFFCO nor exercises any management control. The respondents also disputed that a sum of ₹1680 crores was granted to IFFCO by NCDC. It was asserted that a sum of ₹1680 crores, as indicated in the report of NCDC, was a cumulative amount of interest bearing working capital loan/term loan which was provided to IFFCO over a period of 50 years. And, IFFCO had repaid this loan in full along with interest.

14. Although it was not disputed that the IFFCO received large amount of subsidies from Central Government, it was submitted that the said subsidies were, essentially, subsidies granted to farmers as a part of the efforts of the Government to control prices of fertilizers. It was submitted that such subsidies could not be considered as providing substantial financing to IFFCO. The respondents relied upon the decision of the Supreme Court in **Thalappalam Ser. Coop. Bank Ltd. and Ors. v. State of Kerala and Ors.**: (2013) 16 SCC 82 in support of their contention that general subsidies would not constitute substantially financing a body for the purposes of Section 2(h) of the Act.

Reasoning and conclusion

15. Section 2(h) of the Act, which defines public authority, reads as under:-

“(h) “public authority” means any authority or body or institution of self-government established or constituted,—

- (a) by or under the Constitution;
- (b) by any other law made by Parliament;
- (c) by any other law made by State Legislature;
- (d) by notification issued or order made by the appropriate Government, and includes any—
 - (i) body owned, controlled or substantially financed;
 - (ii) non-Government Organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;”

16. The Supreme Court in *Thalappalam* (*supra*) had expressly held:-

“30. The legislature, in its wisdom, while defining the expression “public authority” under Section 2(h), intended to embrace only those categories, which are specifically included, unless the context of the Act otherwise requires. Section 2(h) has used the expressions “means” and “includes”. When a word is defined to “mean” something, the definition is *prima facie* restrictive and where the word is defined to “include” some other thing, the definition is *prima facie* extensive. But when both the expressions “means” and “includes” are used, the categories mentioned there would exhaust themselves.”

17. The Supreme Court held that the above definition is exhaustive and the categories of authorities referred to in Section 2(h) of the Act exhaust all entities/bodies that could be considered as public authorities. It was held that the former part of Section 2(h) of the Act was concerned with the following categories:-

- “(1) an authority or body or institution of self-government established by or under the Constitution,
- (2) an authority or body or institution of self-government established or constituted by any other law made by Parliament,
- (3) an authority or body or institution of self-government established or constituted by any other law made by the State Legislature, and

(4) an authority or body or institution of self-government established or constituted by notification issued or order made by the appropriate Government.”

And, the later part of Section 2(h) of the Act embraced within its fold:

“(5) a body owned, controlled or substantially financed, directly or indirectly by funds provided by the appropriate Government,

(6) non-governmental organisations substantially financed directly or indirectly by funds provided by the appropriate Government.”

18. Undisputedly, IFFCO does not fall within the former part of Section 2(h) of the Act. Thus, the only question to be examined is whether IFFCO falls within the later part of Section 2(h) of the Act; that is, whether IFFCO is a body owned, controlled or substantially financed by an appropriate government and/or it is a non-governmental organisation substantially financed by funds provided by an appropriate government?

19. The first issue to be addressed is whether IFFCO is controlled by an appropriate Government. IFFCO was registered as a Cooperative Society under the MSCS Act on 03.11.1967 and its registration was sponsored by NCDC. Subsequently, the Central Government, Ministry of Petroleum and Chemicals issued a letter of intent to IFFCO for setting up a fertilizer plant at Kandla. Apparently, the Co-operative League of U.S.A had informed the Government of India that American Cooperatives had shown interest in collaborating with Cooperatives in India for establishing a Fertiliser Plant in India. Thereafter, the Government of India requested US Aid for sending a team of expert for preparing a project report on the location, size, type of production, process and investment required for establishing a fertilizer

plant in the cooperative sector. Pursuant to this request, a team had visited India in June/July 1967 and, subsequently, a report was presented by International Cooperative Development Association recommending establishment of a fertilizer plant in the cooperative sector. The fertilizer plant was to be funded by equity from cooperative members; equity from the Government of India; loan from the Government of India and financing agency; and foreign currency loan from US Aid. It is not disputed that at the material time IFFCO was controlled by the Central Government. The members of the Board of Directors as well as the Chairman had been nominated by the Central Government and IFFCO's venture was substantially funded by the Central Government.

20. Concededly, the equity subscribed by the Central Government was retired in 2004. As a consequence of the same, central government ceased to have any equity in IFFCO. Insofar as the Board of Directors in IFFCO is concerned, the Bye-laws of IFFCO provide that the Board of Directors of IFFCO would comprise of not more than twenty-one directors, excluding functional and Co-opted Directors. Out of the above, ten directors would be elected from the direct delegates of Cooperative Marketing Federations which fulfill the specified criteria and eight directors would be elected by the general body of IFFCO. Bye-law 34(iii) provides for appointment of directors by the Central Government reads as under:-

“(iii) Not more than three persons to be nominated by the Central Government based on equity share capital held by the Central Government i.e. one person if the equity share capital is less than 26%, two persons if the equity share capital is 26% or more but less than 51%; and three persons if the equity share capital is 51% or more of the total issued share capital;”

21. In addition to the above, the Bye-laws also provide for co-opting experts and professionals on the Board of Directors.

22. Since the Central Government has ceased to hold any shares in IFFCO, it may not be entitled to appoint any Director on the Board of IFFCO. It is apparent from Bye-law 34, which relates to constitution of the Board of Directors of IFFCO, that the Central Government exercises little control insofar as the constitution of the Board of Directors is concerned.

23. The Supreme Court in *Thalappalam* (*supra*) observed that the expression “controlled” under Section 2(h)(d)(i) of the Act must be of a substantial nature. The court held as under:-

“44. We are of the opinion that when we test the meaning of expression “controlled” which figures in between the words “body owned” and “substantially financed”, the control by the appropriate Government must be a control of a substantial nature. The mere “supervision” or “regulation” as such by a statute or otherwise of a body would not make that body a “public authority” within the meaning of Section 2(h)(d)(i) of the RTI Act. In other words just like a body owned or body substantially financed by the appropriate Government, the control of the body by the appropriate Government would also be substantial and not merely supervisory or regulatory. The powers exercised by the Registrar of Cooperative Societies and others under the Cooperative Societies Act are only regulatory or supervisory in nature, which will not amount to dominating or interfering with the management or affairs of the society so as to be controlled. The management and control are statutorily conferred on the Management Committee or the Board of Directors of the Society by the respective Cooperative Societies Act and not on the authorities under the Cooperative Societies Act.

45. We are, therefore, of the view that the word “controlled” used in Section 2(h)(d)(i) of the Act has to be understood in the context in which it has been used vis-à-vis a body owned or substantially financed by the appropriate Government, that is, the control of the body is of such a degree which amounts to substantial control over the management and affairs of the body.”

24. As explained by the Supreme Court, the control exercised by an appropriate Government must be qualitatively different from regulatory powers as may be conferred under statutes under which the entities/bodies are incorporated. Undisputedly, incorporated entities are required to comply with the statute under which they are incorporated. The supervisory and regulatory control exercised by authorities under such enactments is primarily to ensure compliance with the concerned statutes. For example, companies incorporated under the Companies Act, 1956 are required to comply with the provisions of the statute and under Section 408 of the said Act, the Central Government has the power to appoint directors in the interest of the company, its shareholders or public interest. However, such power is exercised if it is found that the affairs of a company are being conducted in a manner oppressive to any member(s) of the company or prejudicial to the interest of the company or public interest. Clearly, such powers are only to ensure that the affairs of the company are conducted in a manner, which is compliant with the provisions of law. As held by the Supreme Court in *Thalappalam* (*supra*), existence of such powers of regulation and supervision would not mean that a body is controlled by an appropriate government. In the context of Section 2(h)(d)(i) of the Act, control would mean a pervasive control which includes the power to conduct the affairs of a body and the ability to influence and determine its

course. Such control is qualitatively different from mere supervisory and regulatory control. In this view, IFFCO cannot be considered as an authority controlled by an appropriate government.

25. Although, it was contended that some of the constituent members of IFFCO are public authorities and are controlled by state governments, there is no material on record to determine, whether State governments indirectly control IFFCO or that the constituent members of IFFCO are instrumentalities of State Government.

26. The CIC considered the question whether IFFCO was controlled by the central government and concluded as under:-

“We are, however, not inclined to accept this argument. Suffice to say that the powers conferred on the Central Registrar or the Central Government are merely regulatory powers. They do not establish control of the Central Govt. or the Central Registrar on the functioning of IFFCO. Moreover, the Central Registrar/Central Govt. cannot exercise powers in an arbitrary manner at their sweet will. These powers can be exercised only on the fulfillment of certain preconditions, as spelled out in these sections. Viewed in this light, we do not find any merit in this argument and reject the same.

47. As regards the powers exercisable by the Central Govt. u/s 122 and 123 of MSCS Act, suffice to say that these powers are available to the Central Govt. only when it has 51% paid up share capital in the Society. As noted herein before, the Central Govt. has remitted its stakes in IFFCO in 2004 and thus, these provisions have become irrelevant.

48. Let us now consider the issue of the alleged control of the Central Government on IFFCO by virtue of the composition of its Board of Directors. Suffice to say that Central Govt. can nominate three Directors subject to its stakes in the equity share capital. The Central Govt. had majority stakes in the equity

share capital before 2004 but it remitted its stakes in that year. Consequently, these [sic] is no Central Govt. appointee in the Board of Directors. Coming to the question of nomination of representatives of Apex Cooperative Marketing Federations in the Board of Directors of IFFCO, suffice to say that it would be erroneous to presume that the nominees of Federations would always be serving officers of the Central Govt. Even private individuals can be nominated by the Federations. This argument, therefore, does not help the appellant's case."

27. I find no infirmity with the aforesaid view.

28. The next question to be addressed is whether IFFCO is substantially financed by an appropriate Government. Although, it was asserted that a sum of ₹1680 crores had been provided as a grant by NCDC to IFFCO, the same has been disputed and it has been affirmed on behalf of IFFCO that the said amount only represented loans which had been repaid with full interest. There is no reason to doubt this statement made on behalf of IFFCO. Although, IFFCO was established by the funds provided by the Central Government, it was asserted that the said funds had been returned and the equity has been re-purchased. It was also asserted that IFFCO had paid substantial dividends to the Central Government on the equity subscribed by the Central Government.

29. There is also no material to indicate that the equity was repaid at less than the fair value which would indicate that certain residual value due to the Central Government remain imbedded in the undertaking of IFFCO.

30. The petitioners had contended that IFFCO would not cease to be a public authority even if the equity was repatriated. The petitioners relied on

the decision of a Coordinate Bench of this Court in **Krishak Bharti** (*supra*), in support of their contention.

31. The above observations cannot be read to mean that in all cases where an entity has ceased to be financed or controlled by an appropriate Government, the body would continue to be a public authority. I am unable to subscribe to the view that a body would continue to be a public authority even though it is not controlled or substantially financed by an appropriate government. In my view, the language of Section 2(h) of the Act does not support this interpretation. However, even if it is assumed that in certain cases where an entity is owned or substantially controlled by an appropriate government, temporary cessation of such control may not result in the body ceasing to be a public authority under Section 2(h) of the Act, IFFCO would not be a public authority. This is so because there is no reason to believe that the Central Government has withdrawn its financial support and equity for a temporary period and there is a potential for Central Government to introduce substantial finances in IFFCO in future; there is also no indication that the Central Government has the potential to take-over control of IFFCO or is likely to do so in future.

32. The only remaining issue to be addressed is whether disbursement of fertilizer subsidies would render the recipient a public authority within the meaning of Section 2(h)(d) of the Act. It cannot be disputed that in certain cases where large subsidies are provided for support of a body, the same may render the body as a public authority within the meaning of Section 2(h)(d)(i) of the Act. This would certainly be the case where initiatives of appropriate government(s) are implemented by bodies/entities, which are

funded by the government by way of subsidies or grants. In such cases, the body financed would be an instrumentality of the government for undertaking such initiatives. However, in cases where subsidies are provided under a general scheme to reduce the costs of products, the same would be qualitatively different from the subsidies or grants provided for financing a particular body, which is acting as an extension of the state for implementing its programme. The fertilizer subsidies are not such subsidies. In substance and in effect, fertilizer subsidy is provided to the consumers of fertilizers i.e. the farmers by ensuring that the price of fertilizers is below its cost of production/import. Subsidy is provided to fertilizer producers as well as fertilizer importers based on the quantum of fertilizer sold. The quantum of fertilizer subsidy is directly related to the quantum of fertilizer sold; every bag of fertilizer indicates the amount of subsidy adjusted in the price of that bag.

33. In my view, fertilizer subsidies would not amount to substantially financing a body as contemplated under Section 2(h)(d)(i) of the Act, for the reason that subsidy is not for support of any particular organization but is available to all manufacturers or importers who manufacture the specified fertilizers. Thus, the object of such subsidy is not to support any organization, but to subsidize the sale price of fertilizers for the benefit of the consumers; the fertilizer manufacturers and importers are only the means of transmitting such subsidy.

34. The CIC had examined the above aspects and held as under:-

“54. In view of the above, we are of the opinion that subsidy is being given to IFFCO and other fertilizer manufacturers for meeting the difference between the cost of production and the

sale price fixed by the Central Govt. The subsidy cannot be equated with outright grants. We are, therefore, inclined to reject the contention of appellants herein that grant of subsidy amounts to direct financing of IFFCO.

55. It has also been vehemently argued before us that the ratio of Delhi High Court judgement in Krishak Bharathi Cooperative Limited (KRIBHCO) vs. Ramesh Chandra Bawa applies in the present case. We are inclined to think otherwise. On a careful perusal of the aforesaid judgement, we find that KRIBHCO was held to be public authority primarily for the reason that the share capital of the Central Govt. in KRIBHCO was 48.38% of the total paid up share capital of KRIBHCO at the relevant time. However, this is not the case in the matter in hand. The Central Govt. does not have any stakes, let alone controlling stakes in IFFCO. Hence, the ratio of KRIBHCO does not apply in the present case.

56. In this context, appellant Shri S.C.Agrawal has extracted a para from the aforesaid judgement to buttress the argument that as IFFCO was substantially financed by the Central Govt. before 2004, it does not cease to be so as there is potential of it being substantially financed in future. We are not inclined to accept this argument as there are too many 'ifs' in it. To put it differently, this argument is conjectural in nature in as much as IFFCO may or may not be substantially financed by the Central Govt. in future. On the other hand, we are inclined to accept the argument of IFFCO that once an entity has ceased to be a public authority it cannot be deemed to be a public authority unless there is a substantive change in the factual matrix. It may be pertinent to mention that a number of PSUs were divested by the Central Govt. not too long ago but they cannot be deemed to be public authority unless there is evidence of control or substantial financing by the appropriate Govt. In the factual matrix of the case, it is evident that the Central Govt. has no share capital in IFFCO as of now. Nor has it nominated any Director in the IFFCO's Board of Directors.

57. From the above discussion, it clearly emerges that IFFCO is a Multi State Cooperative Society registered under MSCS

Act. The Central Govt. had high financial stakes in the paid up share capital till 2004 but remitted its capital in that year and does not have any stakes at present. It is, no doubt, true that IFFCO is getting huge amount of subsidy from the Central Govt. but, in our opinion, it is not unique to IFFCO; subsidy is also being given to private sector players. The provisioning of subsidy is to keep the sale price of fertilizers low in the open market so as to keep it within the reach of farmers. Subsidy is not a grant. It is only a mechanism to pay the difference between the cost of production and the sale price of fertilizers. We, therefore, hold that subsidy cannot be construed as substantial financing of IFFCO. We also come to the conclusion that statutory provisions mentioned herein above, conferring certain powers on the central Registrar/Central Govt. are regulatory in nature and do not establish control of the Central Govt. over IFFCO. In view of the above discussion, we have no hesitation in coming to the conclusion that IFFCO is not a public authority u/s 2(h) of the RTI Act. The appeals are, therefore, dismissed.”

35. I concur with the aforesaid view and find that no interference with the impugned order is warranted. The petitions are, accordingly, dismissed. No order as to costs.

VIBHU BAKHRU, J

MARCH 02, 2015

RK