

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11108 OF 2014

Shri Vasudeo Jamunaprasad Sharma	}	Petitioner
versus		
The Public Information Officer	}	
and Ors.	}	Respondents

Mr. J. Shekhar for the Petitioner.
Mr. V. B. Thadani-AGP for State.

**CORAM :- S. C. DHARMADHIKARI &
G. S. KULKARNI, JJ.**

DATED :- JUNE 10, 2015

P.C. :-

The Writ Petitioner has challenged the order passed by the State Information Commission, Bench at Pune in Appeal No. 3190 of 2011 dated 31st October, 2014.

2) The Petitioner invoked the Right to Information Act, 2005 so as to seek information and pertaining to a Co-operative Society registered under the Maharashtra Co-operative Societies Act, 1960 (for short "the MCS Act"). The Petitioner claims to be a social worker and involved in pro bono social activities in and around Pune city. After having noticed several illegalities in the functioning of the Co-operative Societies that the Petitioner sought information and with regard to specific Co-operative Societies i.e. the Urban Co-operative Banks in and

around Pune city. He stated that recovery certificates have been issued by Pune district Urban Co-operative Bank Association Limited, which is an organisation registered with the 4th Respondent to this Writ Petition. The Petitioner sought copies of the recovery certificates issued from 31st January, 2010 till 31st March, 2011. The recovery certificates were issued under section 101 of the MCS Act. Upon such an application dated 25th July, 2011, Respondent No. 1, according to the Petitioner, failed and neglected to part with the information. The Petitioner was informed by order dated 16th August, 2011 that the information which the Petitioner seeks and equally the copies of the recovery certificates would reveal that about 2526 applications for issuance of recovery certificates for the relevant years were received and in view of the order passed in Writ Petition No. 1384 of 2008 by the Aurangabad Bench of this Court, the certified copies of the recovery certificates could not be given to the Petitioner.

3) The Petitioner then preferred a First Appeal being First Appeal No. 62 of 2011. That First Appeal was disposed of on 25th October, 2011. The First Appellate Authority confirmed the order of the first Respondent. Aggrieved by these orders, the Petitioner approached the Second Appellate Authority by filing Second Appeal No. 3190 of 2011, which is dismissed by the impugned order.

4) Mr. J. Shekhar appearing for the Petitioner would submit that all the impugned orders are contrary to law. The Right to Information Act, 2005 contains specific provisions, by which the authorities are mandated to provide information and equally copies of documents. He would rely upon the definitions in the said Act and to submit that even Co-operative Societies and Co-operative Banks, registered under the MCS Act, are amenable to the provisions of the Right to Information Act, 2005. In the circumstances, the orders passed are vitiated in law and deserve to be quashed and set aside.

5) With the assistance of Mr. J. Shekhar, we have perused the concurrent orders. We find that the issue as to whether the certified true copies of the recovery certificates issued by the authorities under the Act in favour of the Co-operative Banks can be parted with is being examined judicially and by this Court. A Writ Petition being Writ Petition No. 1384 of 2008 is pending before Aurangabad Bench of this Court. An interim order has been made. The issue whether Co-operative Societies and Co-operative Banks would at all fall within the definition of the term “public authority” that is a vexed and debatable question. There is a Judgment of the Hon'ble Supreme Court as well and which takes a specific view that Co-operative Societies cannot be said to be public authorities within the meaning of section 2(h) of the

Right to Information Act, 2005. In the circumstances, we do not think that the refusal of the authorities to part with these copies as sought by the Petitioner can be said to be contrary to law. The Writ Petition is completely devoid of merits and is dismissed. No costs.

(G.S.KULKARNI, J.)

(S.C.DHARMADHIKARI, J.)