

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 19347 of 2013 (O&M)

Date of decision : March 30, 2015

Shivinder Singh,

..... Petitioner

v.

State Information Commission Punjab and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Harbans Sharma, Advocate
for the petitioner.

Mr. Gurcharan Singh, Advocate
for respondent No.2.

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

This writ petition has been filed challenging the order, Annexure P-8, imposing penalty of ₹ 25,000/- on the petitioner under RTI Act; along with compensation of ₹ 4,000/-, and directing to provide information free of cost to respondent No.2.

Counsel for respondent No.2 has relied upon decision of the Hon'ble Supreme Court in Thalappalam Ser. Coop. Bank Ltd and others vs State of Kerala and others, Civil Appeal No.9017 of 2013, decided on 7.10.2013, in the following terms :-

“54. We, therefore, hold that the Cooperative Societies

registered under the Kerala Co-operative Societies Act will not fall within the definition of “public authority” as defined under Section 2(h) of the RTI Act and the State Government letter dated 5.5.2006 and the circular dated 01.06.2006 issued by the Registrar of Co-operative Societies, Kerala to the extent, made applicable to societies registered under the Kerala Co-operative Societies Act would stand quashed in the absence of materials to show that they are owned, controlled or substantially financed by the appropriate Government. Appeals are, therefore, allowed as above, however, with no order as to costs.”

He further states that the Co-operative Society of which the present petitioner is the Secretary does not fulfill the conditions as laid down in the aforesaid decision.

This fact is not disputed. Consequently, this writ petition is allowed and the impugned order (Annexure P-8) is quashed.

(AJAY TEWARI)
JUDGE

March 30, 2015
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