

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**REVIEW APPLICATION NO.81 OF 2017
IN
WRIT PETITION NO.1304 OF**

Jalgaon Jilla Urban Co-operative
Banks Association, Ltd., Jalgaon,
through its Expert Director,
Shri J.M.Agrawal,
Age – Major, Occ. Business,
r/o. c/o. As above ..Applicant

Vs.

The State of Maharashtra,
through Chief Secretary,
Mantralaya, Mumbai
and ors. ..Respondents

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Mr.N.B.Suryawanshi, Advocate for applicant
Mr.S.J.Salgare, AGP for respondent nos.1 to 4
Mr.S.M.Kulkarni, Advocate for respondent no.6

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**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.
DATE : MARCH 24, 2017**

ORDER (Per T.V. Nalawade, J.) :

Both sides are heard.

2. By making this application, in one way,
the learned Counsel for the applicant is trying to

see that the scope of the decision under review and the observations made therein, is restricted. The learned Counsel for the applicant submits that when there is decision of the another Division Bench, this Court ought not to have given different decision and this Court ought to have, at the most, referred the matter to the Larger Bench. The learned Counsel for the applicant also submits that at least, the declaration sought by the applicant that they are not statutory authority, ought to have been given by this Court. The learned Counsel for the applicant further submits that the another Division Bench of this Court had referred the decision of the Hon'ble Supreme Court in the case of **Thalappalam Ser. Co-op. Bank Ltd. and ors. Vs. State of Kerala and ors., 2013 AIR (SCW) 5683.**

3. It appears that the applicants are feeling aggrieved as they are thinking that application under the Right to Information Act,

2005, will be directly made to the applicant and due to the decision under review, they will be compelled to supply information to anybody under the Right to Information Act. Such observation was never made by this Court when this Court decided the Writ Petition. This Court has only held that every bit of information of a co-operative institution can be collected by the Registrar of Co-operative Societies, as the provisions of the Maharashtra Co-operative Societies Act are that exhaustive. Since the Registrar being a public authority, as defined under the provisions of the Right to Information Act, he cannot deny to supply such information, if an application is made under the Right to Information Act. Such observations were made in the decision under review, but this Court has refused to declare that the Co-operative Society cannot be a public authority directly or indirectly.

4. This Court has used the interpretation made by the Hon'ble Supreme Court while deciding the case of **RBI Vs. Jayantilal N. Mistry, (2016)3 SCC 525**. This Court has only expressed that since the decision of the Apex Court needs to be used in future by all the Courts, the decision rendered by another Division Bench in the past, cannot be used and this Court also will not be using it.

5. Thus, there is no force in the submissions made by the learned Counsel for the applicant that this Court ought to have referred the matter to the Larger Bench. When there is decision of the Hon'ble Supreme Court and the decision of the another Division Bench of this Court is inconsistent with the decision of the Hon'ble Supreme Court, this Court is not expected to refer the matter to the Larger Bench, as this Court can safely use the decision of the Hon'ble Supreme Court.

6. No more observations in regard to other grounds are necessary. The other contentions raised by the applicant are beyond the scope of the Review Application.

7. The Review Application stands disposed of as dismissed.

[SANGITRAO S. PATIL, J.] [T.V. NALAWADE , J.]

kbp