

Pardeep Kumar Rapria

...PETITIONER

Vs.

State Information Commission Haryana and others

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Petitioner in person.

Mr. Shekhar Verma, Advocate,  
for respondent No. 3.

\*\*\*

**AUGUSTINE GEORGE MASIH, J. (ORAL)**

Petitioner has approached this Court seeking information under the Right to Information Act read with Section 83 of the Haryana Registration and Regulations of Societies Act, 2012 (hereinafter referred to as 'Societies Act, 2012'). Copy of the application, which was submitted by the petitioner, dated 20.03.2017 is appended as Annexure P-1 along with the writ petition.

2. Petitioner has been asserting that he has not been supplied the information which he had sought through his application dated 20.03.2017. He asserts that as per Section 83 of the 'Societies Act, 2012, the Right to Information Act, 2005 (hereinafter referred to as '2005 Act') is applicable to the Societies and respondent No. 3 being a Society is amenable to the provisions of the 2005 Act. He, therefore, contends that the order, as passed by the State Information Commission, should have been complied with by the respondents.

3. On the other hand, learned counsel for respondent No. 3 asserts that the provisions of the Right to Information Act, as per the reading of the provisions of Section 83 of the Societies Act, 2012, would be applicable to the extent that has been provided for in Section 83 (i) of the said Act. He, however, could not dispute the applicability of sub-section (2) of Section 83 of the said Act, according to which, a member of the Society is entitled to all information relatable to the working of the Society. He further states that the by-laws of the Society also says so and, therefore, there is no impediment with regard to the supplying of the information, as has been sought for by the petitioner in his application dated 20.03.2017. The only reservation was with regard to the prayer of the petitioner couched under the 2005 Act.

4. Keeping in view the submissions of the petitioner as also counsel for respondent No. 3 and also in the light of the fact that the Annual General Meeting of the Society is slated for 23.09.2018, the issue with regard to the applicability of the provisions of the 2005 Act needs not be gone into in the light of the statement of counsel for respondent No. 3 that the information, as has been sought for by the petitioner, would be supplied to him as per the provisions of Section 83(2) of the Societies Act, 2012. The plea of the petitioner with regard to the applicability of the 2005 Act and the other provisions of the 2005 Act where nothing specifically has been provided under the Societies Act, 2012, contrary to what has been provided under the 2005 Act and its overriding effect, the said question is left open to be decided in appropriate case for the reason that the petitioner herein is a member of the Society and, therefore, the information, which he has sought for, has to be supplied to him, which fact is not

disputed by the counsel for respondent No. 3.

5. Learned counsel for respondent No. 3 informs the Court that the information, which was circulated with regard to the Annual General Meeting, will be again supplied to the petitioner today itself on his E-Mail address.

6. At this stage, the petitioner has pointed out, while referring to the rejoinder supported by the affidavit which has been filed in Court today, that apart from the information, which is a part of the notice of the Annual General Meeting, referred to above, which is being supplied, he would require information, as detailed in para-4 of the said rejoinder.

7. Learned counsel for respondent No. 3 has supplied information to the petitioner on Point No. (i) and Point No. (iv) in Court as available. Petitioner gives up his claim with regard to Point No. (v) in the light of the statement given by counsel for respondent No. 3, on instructions from Sh. Manpreet Wahi, Secretary of the Society, who is present in Court, that form No. XVII B could not be submitted in the Annual General Meeting because the Annual General Meeting of the Societies could not be held. Information would be supplied to the petitioner i.e. qua Point Nos. (ii) and (iii) today itself. As regards Point No. (vi) and (vii), the said information, which is voluminous, for which the petitioner has offered to pay the cost of photostat thereof, would be supplied to the petitioner by respondent No. 3 by 21.09.2018 at 1 P.M. on payment.

8. In view of the above, the information, as sought for by the petitioner and has been agreed to between the parties in Court, the matter having been resolved with the dispute having been brought to an end with regard to the information, which was sought for and is being supplied to the

petitioner, the writ petition stands disposed of.

9. Parties shall be bound by their statements.

**September 19, 2018**  
*pj*

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

**Whether speaking/reasoned: Yes/No**

**Whether Reportable: Yes/No**