

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 17389 OF 2022

Jamuna Kalo

.....

Petitioner

Mr. Saroj Kumar Dash, Advocate

-versus-

***State Information Commissioner,
Odisha and others***

....

Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

26.07.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order dated 13th May, 2022 passed by the State Information Commission, Bhubaneswar-Opposite Party No.1 in Complaint Case No.92 of 2020.
3. A complaint was made against the Public Information Officer-cum-Branch Manager of Sambalpur District Co-operative Central Bank Ltd., Kuchinda Branch-Opposite Party No.4, which has been held to be amenable to the provision of Right to Information Act, 2005 (for short 'the Act') by this Court in W.P.(C) Nos.35609 and 35611 of 2021. The issue with regard to applicability of the Act to the Co-operative Banks is sub-judice before this Court in W.A. No.904 of 2021 and operation of the order passed in W.P.(C) No.30704 of 2021 has been stayed vide order dated 7th April, 2022. Considering the aforesaid facts and circumstance, the complaint case was closed and disposed of by the Commission.

4. Mr. Dash, learned counsel for the Petitioner submits that the Commission ought to have waited till disposal of the writ appeal. The Petitioner is approaching the Authority under the Act to get information since 2014. Due to closure of the complaint case, she is seriously prejudiced.

5. Taking into consideration the submission made by learned counsel for the Petitioner, this Court is of the considered opinion that the order of Hon'ble Single Judge holding that the Sambalpur District Central Co-operative Bank is amenable to the Act has been stayed by the Division Bench of this Court in W.A. No.904 of 2021. As such, the order passed in W.P.(C) No.30704 of 2021 or any order passed relying upon the said order cannot be given effect to.

6. In view of the above, I find no infirmity in the impugned order. However, the Petitioner is at liberty to make a fresh complaint, if it is held that Sambalpur District Co-operative Central Bank is amenable to the provisions under the Act.

7. The writ petition is, accordingly, disposed of.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge