

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9000 OF 2024

Shrimant Narayanrao Babasheb Ghorpade Petitioner
Vividh Karyakari (Vikas) Seva Sanstha
Maryadit, Ichalkaranji

V/s.

State Information Commission, Bench at Respondents
Pune & Ors.

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Mr.Tanaji Mhatugade, for the Petitioner.
Mr.Jay Sanklecha 'B' Panel Advocate for Respondent-State.

CORAM : R.M. JOSHI, J.

DATE : 09th SEPTEMBER 2024

P.C:-

. Heard.

2. The learned counsel for the Petitioner submits that, the Petitioner Society is not being financially or otherwise aided or controlled by the State. Thus, according to him the provisions of the Right to Information Act, are not applicable to it. He further submits that, even otherwise the information sought is in respect of the employees and hence such information is exempted. He relied upon judgments of Supreme Court in case

of *People Welfare Society, Thr. Its President Madhukarrao Wasnik V/s. State Information Commissioner and Others*¹ and *Thalappalam Service Cooperative Bank Limited & Others V/s. State of Kerala & Ors.*²

3. Though learned AGP has sought to support impugned order but was unable to make submission contrary to the settled position of law. He also submits that, the Petitioner was having opportunity to file Appeal and raise this issue before the Appellate Authority which has not been done.

5. Since, the issue of applicability of the Right to Information Act, itself is involved in this Petition, this Court finds no reason not to entertain this Petition.

6. The law on the point that provisions of RTI are not applicable, to Co-operative Societies, not financed or otherwise controlled by State, is not more *res intergra*. There is not dispute about the fact that, the Petitioner society is neither financially or otherwise aided and supported by the State nor is under the direct/indirect control of the State. As a result of this following

1 2024 SCC Online Bom 716

2 (2013) 16 SCC

judgments cited supra the provisions of the Right to Information Act are not applicable to the Petitioner. Hence, the impugned order cannot be sustained. The impugned order is set aside.

7. Petition stands allowed in terms of prayer Clause-(A).
8. All pending Civil/Interim Applications are disposed of.

(R.M. JOSHI, J.)