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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 1218/2023 & CM APPL. 44297/2023**

SYED MOHD NOORULLAH

..... Petitioner

Through: Mr. Sanjay Tripathy & Mr. Shahzad
Hussain, Advs. (Through VC)

versus

**SH KRISHAN KUMAR REGISTRAR OF CO OPERATIVE
SOCIETIES AND ANR.**

..... Respondents

Through: Mr. Abhinav Singh, Ms. Swega
Agarwal & Ms. Bhavi Garg, Advs.
for R-1. M: 9811188892

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

ORDER
30.01.2024

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1. The present contempt petition has been filed against the respondents alleging violation of order dated 08th January, 2020 passed in *W.P.(C) No. 93/2020*, wherein the respondents were directed to provide information under the Right to Information ("RTI") Act, which the petitioner believed to be incomplete.
2. It is submitted that despite various orders passed by this court and other bodies, the respondents have not complied with the directions passed by this court.
3. Per contra, learned counsel appearing for the respondent no. 2 submits that all the information as required by the petitioner by way of the RTI application has already been provided.



4. He further submits that subsequently the petitioner had approached the Deputy Registrar of Cooperative Societies who had issued certain directions to the respondents for providing further information. Against the aforesaid order passed by the Deputy Registrar of Cooperative Societies, respondent no.2 had filed an appeal before the learned Financial Commissioner. The learned Financial Commissioner by order dated 12th December, 2023 has set aside the orders passed by the Deputy Registrar of Cooperative Societies.

5. Thus, it is submitted that there is no non-compliance on behalf of the respondents.

6. Learned counsel appearing for respondents further submits that the order of which non-compliance has been alleged, is of the year 2020, while the present contempt petition came to be filed only in the year 2023. Thus, the present petition is barred by Section 20 of the Contempt of Courts Act, 1971.

7. He also relies upon the judgment passed by Coordinate Bench of this court in the case of ***Ajay Kumar Bharat and Others Versus BL Sherawat and Another, 2023 SCC Online 4636.***

8. On the other hand, learned counsel appearing for the petitioner submits that full information has still not been provided by the respondents to the petitioner.

9. I have heard learned counsel for the parties and have perused the record.

10. The petitioner herein had filed an RTI application dated 12th July, 2013 seeking some information from respondent no.2 herein. Since as per the petitioner, the information sought was not provided to him, he



approached the Registrar of Cooperative Societies, which by its order dated 14th August, 2014 directed the respondent no.1 to supply the requisite information. The appeal before the Financial Commissioner and subsequent review thereto was also dismissed by order dated 22nd December, 2016 and 14th November, 2019 respectively.

11. Against the aforesaid order dated 14th November, 2019 of the learned Financial Commissioner, the respondent no.2 had filed a writ petition being *W.P.(C) 93/2020* before this Court. However, the petition filed by respondent no.2 was dismissed by this Court by order dated 08th January, 2020.

12. It is the case of the petitioner that despite the aforesaid directions, the respondent no.2 has failed to provide the complete information to the petitioner.

13. Aggrieved, the petitioner had filed an appeal before the Registrar of Cooperative Societies, Government of National Capital Territory of Delhi under Section 139 of the Delhi Co-operative Societies Act, 2003 alleging non-furnishing of information to him pursuant to his RTI application.

14. Thus, by order dated 31st January, 2022, the office of Deputy Registrar of Cooperative Societies, Government of National Capital Territory of Delhi directed the respondent no.2 to submit complete information to the petitioner herein on the basis of the RTI Application. The order dated 31st January, 2022 issued by the office of the Deputy Registrar of Cooperative Societies reads as under:

“This order shall dispose off the appeal dated 10.12.2019 filed by the Appellant in respect of his application dated 12.07.2013 seeking information on 05 (five) points. The Appellant in his letter dated 07.10.2019 has stated that the Respondent Bank neither furnished information to the Appellant nor responds to RTI Application despite



directions from Assistant Registrar (Banking) vide Order dated 14.08.2014, F.C Order dated 22.12.2016 & F.C Review Order dated 14.11.2019.

Notices were issued and in its furtherance the matter was heard on 28.12.2020 & 25.02.2021 by the then Joint Registrar. Thereafter, the matter came up for hearing in the Court of the undersigned on 20.09.2021. During hearing on 20.09.2021, Sh. Sanjay Tripathi (Counsel) alongwith Sh. Shahzad Hussain on behalf of the Appellant were present. The Respondent Bank was represented by Sh. Gautam Chakrabarty (Advocate). After hearing arguments put forward by both the parties, the Respondent Bank was directed to provide the information under RTI query that is not yet supplied in RTI reply dated 09.03.2021 within 15 days to the Appellant and intimate the same to this office. Thereafter, the matter was fixed for final arguments on 08.11.2021 & the Appellant was directed to submit written justification on the next date of hearing for the punitive action under DCS Act, 2003 & Rules 2007. During hearing on 08.11.2021, Appellant was present in person alongwith his Advocates Sh. Sanjay Tripathi and Sh. Shahzad Hussain. Also present, Sh. Irfan Ahmed (PIO) alongwith Sh. Gautam Chakrabarty (Advocate) were present on behalf of Respondent Society. Final arguments heard for both the parties.

Considering all above, the Respondent Bank is hereby directed to submit the complete upto date information on the basis of RTI application within 07 (seven) days on the receipt of this Order with intimation to this office to ensure its compliance failing which the penalty proceedings under Section 139(2) of the DCS Act, 2003 & under Rule 165(8) of the DCS Rules, 2007 shall be initiated.

The appeal is disposed of accordingly.”

15. Against the aforesaid order dated 31st January, 2022, a review petition was filed by the respondent no.2. By order dated 30th June, 2022 passed by the office of Deputy Registrar of Cooperative Societies, the review of the respondent no.2 was dismissed with penalty of Rs. 10,000/-. Further, it was held that the respondent no.2 was deliberately delaying in providing the required informed to the petitioner herein.

16. The order dated 30th June, 2022 passed by the office of the Deputy Registrar of Cooperative Societies is reproduced as under:



“Whereas an appeal u/s 139 of the DCS, Act 2003 has been filed on 10.12.2019 by Syed Mohd. Noor-Ullah, Appellant in respect of his Application dated 12.7.2013 against the Jamia Coop. Bank Ltd. The Appellant in his letter dt. 07.10.2019 has stated that the Respondent Bank neither furnished information to the Appellant nor responds to RTI Application despite directions from Assistant Registrar (Banking) vide Order dt. 14.08.2014, F.C Order dt. 22.12.2016 & F.C Review Order dt. 14.11.2019. Thereafter an order dated 31.01.2022 u/s 139 of DCS Act 2003 has been passed by the Appellate Authority directing the Respondent Bank to submit the complete upto date information on the basis of RTI application within 07 (seven) days on the receipt of the Order with intimation to this office to ensure its compliance failing which the penalty proceedings under Section 139(2) of the DCS Act, 2003 & under Rule 165(8) of the DCS Rules, 2007 shall be initiated.

Whereas on 10.02.2022, a review application u/s 115 of DCS Act, 2003 has been filed by the Respondent Bank against the Order dated 31.01.2022 passed by the Appellate Authority. In the meanwhile an application dated 15.2.2022 has been received from the Appellant for imposing the penalty on Jamia Cooperative Bank as per the Order dated 31.1.2022 as no information has been provided till date. The Appellant has also added that despite the Orders of Assistant Registrar (Banking) vide Order dt. 14.08.2014, F.C Order dt. 22.12.2016 & F.C Review Order dt. 14.11.2019 and moreover, Hon'ble High Court Order dt. 28.01.2020 no information has been provided by the Respondent Bank.

On perusal of records, it is observed that despite Orders of various Authorities/Courts, the Respondent Bank failed to provide the required information to the Appellant. The Respondent Bank instead of providing information to the Appellant, filed an application, for Review of Order dt. 31.01.2022 passed by the Appellate Authority. Merely filing the review application dated 10.2.2022 does not absolve the Respondent from the compliance of the order dated 31.01.2022 unless there is a stay on the order by a Higher Authority/Judiciary. The filing of Review Petition is merely a delaying tactic by the respondent and shows blatant disregard to the Department of RCS.

In view of the position stated above, the undersigned is of the firm view that the Respondent Bank has violated the Section 139 of DCS Act, 2003 and Rules 165 of DCS Rules, 2007 by deliberately delaying in providing the required information to the Appellant. Hence, the Respondent Bank is directed to furnish the required information to the Appellant within 15 days of the receipt of this Order and a fine/penalty of Rs. 10,000/- (@Rs.250/- per day till information is furnished) is imposed upon the Information Officer of the Respondent Bank which shall be deposited within 15 days of the receipt of this



order in the Co-operative Education Fund of Registrar Cooperative Societies. The penalty of Rs. 10,000/- is recoverable from the personal pocket of Information Officer as arrears of land revenue. In case there is no Information Officer then Sh. MD. Adil (CEO) shall pay the fine/penalty.

The appeal of the Appellant is disposed of accordingly.”

17. Against the aforesaid orders dated 31st January, 2022 and 30th June, 2022, the respondent no.2 approached the Financial Commissioner in *Case No. 159/2022*.

18. The said Revision Petition filed on behalf of respondent no.2 has now been disposed of by order dated 12th December, 2023.

19. By order dated 12th December, 2023, the aforesaid orders dated 31st January, 2022 and 30th June, 2022 passed by the Deputy Registrar of Cooperative Societies, have been set aside.

20. The relevant paragraphs of the order dated 12th December, 2023 passed by the Financial Commissioner in *Case No. 159/2022* read as under:

“xxx xxx xxx

11. *From the facts of the case, it appears that both the parties in the case are involved in litigation against each other on one pretext or the other. However, the Deputy Registrar in the impugned orders has not appreciated that the information sought by the respondent has been furnished by the petitioner Bank and took a decision to impose penalty on Petitioner Bank in the matter. **It cannot be expected that the Petitioner Bank will provide copies of fresh rent agreements in the month of January, 2020 in cases where the rent agreement is expiring subsequently even in the year 2021. The second point raised by the respondent is that copies of resolutions were not provided. However, as per his own application of 2013, he sought copies of resolutions, if any. Therefore, it cannot be held that the petitioner bank has not provided the information sought.***

12. *In the light of the above, this court is of the considered view that the impugned orders dated 31.01.2022 and 30.06.2022 passed by the Deputy Registrar are untenable in the present context and are liable to be set aside and are accordingly set aside. The revision petitioner bearing No. 159/2022 titled **Jamia Cooperative Bank Ltd. Vs. Syed***



*Mohd. Noorullah is disposed of with the above observations. No order as to costs.
xxx xxx xxx”*

(Emphasis Supplied)

21. Perusal of the aforesaid shows that it is the clear stand of respondent no.2 that it has provided all the requisite documents to the petitioner.
22. Further, the subsequent orders issued by the Deputy Registrar of Cooperative Societies dated 31st January, 2022 and 30th June, 2022 have been set aside by the learned Financial Commissioner.
23. Thus, today there is nothing on record to show that there is any non-compliance by the respondent no.2 of any subsisting orders, wherein there are directions to provide any further documents to the petitioner.
24. In view thereof, no further orders are required to be passed in the present contempt petition.
25. At this stage, Mr. Shahzad Hussain, learned counsel appearing for the petitioner submits that he may be given liberty to challenge the order dated 12th December, 2023 passed by the learned Financial Commissioner.
26. In view of the aforesaid, the present contempt petition is disposed of, with liberty to the petitioner to challenge the order dated 12th December, 2023 passed by the learned Financial Commissioner in *Case No. 159/2022*.

MINI PUSHKARNA, J

JANUARY 30, 2024/kr