

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10138 OF 2025

Deshbhakta Ratnappa Kumbhar ... Petitioner
Panchaganga Sahakari Sakhar
Karkhana Ltd. Through Director N.Y.
Bhore.

V/s.

The Co-operative Ombudsman ... Respondent
Ministry of Co-operation Pvt. Ltd
India

Mr. Drupad Patil with Dheeraj Patil, for the petitioner.

Digitally
signed by
VARSHA
DEEPAK
GAIKWAD
Date:
2025.07.30
16:40:36
+0530

CORAM : N.J. JAMADAR, J.
DATE : 28th JULY 2025

ORAL ORDER:

1. Heard learned counsel for the petitioner.
2. The challenge in this petition is to an order dated 20th June 2025 passed by the Co-operative Ombudaman, under the provisions contained in Section 106 of Multi-State Cooperative Societies Act, 2002.
3. The respondent nos. 2 and 3 filed an application with the Information Officer of the petitioner, a Multi-State Cooperative Society,

and sought information comprising the list of the members who were eligible for candidature from A Class (Producer) and B Class (Non – Producer), for the election for 2024 – 2025, how much sugarcane was received by the society from the members and non-members, during the period 2019-2024; the audit reports from 2010 to 2024 and how much sugar was distributed to members of the society at concessional rate for the year 2024, along with the list of the members whom the concessional sugar has been distributed to.

4. The petitioner-society gave a reply to the said requisition of information, on 30th April 2024. As the information was not supplied, the respondent no. 2 and 3 approached the Ombudsman.

5. By the impugned order, the Ombudsman had directed the petitioner to furnish to the respondent nos. 2 and 3 the whole information as sought by them within 15 days of the issue of such order. The Ombudsman was of the view that the petitioner was taking evasive defences and made an endeavour to circumvent the issue of supply of information.

6. Mr. Patil, the learned counsel for the petitioner, would urge that the petitioner society is willing to supply the copies of the audit reports

of the years 2010-2024. However, the petitioner-society is not in custody of the rest of the information sought by the respondent nos. 2 and 3. The list of the members who were eligible for the candidature was yet to be finalised, and the Election Officer was in the custody of the said record.

7. So far as the information pertaining to the supply of sugarcane by the members of the society, and distribution of concessional sugar to the members of the society, since the sugar factory has been leased out to Shree Renuka Sugars Ltd, the petitioner society was not in possession of the said information. In this background, the petitioner society could not have been directed to furnish the information to the respondent nos. 2 and 3, urged Mr. Patil.

8. Mr. Patil submits that in light of the by-laws of the society, which contain the norms of the disclosure, the respondent nos. 2 and 3 were not entitled to seek the information as sought under the application dated 9th December 2024. At any rate, since the petitioner-society was not in possession of the said information, the Ombudsman grossly erred in issuing the impugned directions.

9. From a perusal of the provisions contained in section 106 of

Multi-State Cooperative Societies Act, it becomes evident that to promote transparency in the administration of the Cooperative societies, the members have been invested with the right to seek the information regarding the affairs and management of the society. In the event of default on the part of the information officer to supply the information, the remedy of approaching the Cooperative Ombudsman by way of an appeal has been designedly provided so that the members are not deprived of the information relating to the affairs and management of the society, on unsustainable ground.

10. In the case at hand the information sought by the respondent nos. 2 and 3 squarely pertains to the affairs and management of the petitioner– society. It cannot be urged that the petitioner-society was unaware of the members who were eligible for candidature from A Class (producer) and B Class (Non-producer). Nor can it be urged that the society cannot furnish the information as the record is with the lessee. If such a submission is acceded to, the right of the members to receive the information can be easily defeated by simply contending that the information is with the lessee of the society or a third party. It is the responsibility of the society to obtain the information from its lessee and furnish the same to the members. Otherwise, the very object

of conferring the right to receive the information would be defeated.

11. In these circumstances, the Court does not find any infirmity in the impugned order. The petition thus stands dismissed.

12. The society is permitted to supply the information as ordered by Ombudsman within a period of four weeks from today. If the information is supplied within the said period of four weeks, no adverse action be taken against the society for non-supply of the information.

(N.J. JAMADAR, J)