



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-29935-2024 (O&M)

Date of decision: 03.09.2025

Saraswati Kunj, Cooperative Housing Building Society Ltd.Petitioner

Versus

State Information Commission, Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Raghav Dayal Gupta, Advocate,
for the petitioner.

Mr. Bhupender Singh, Additional A.G., Haryana.

Mr. Pardeep Kumar Rapria, Advocate,
for respondent No.5.

KULDEEP TIWARI, J. (Oral)

1. The petitioner, which is a Private Cooperative House Building Society, registered under the erstwhile Punjab Cooperative Societies Act, 1961, (now governed under the Haryana Cooperative Societies Act, 1984), has knocked the doors of this Court, for quashing of the final order dated 28.02.2024 (Annexure P-11), passed by the State Information Commissioner, Haryana-respondent No.2, and also the notice/order dated 03.05.2024 (Annexure P-12), issued by respondent No.1, directing it to provide information sought by respondent No.5, under the Right to Information Act, 2005 (hereinafter referred to as, 'the RTI Act').

2. Learned counsel for the petitioner submits that petitioner, being a Private Cooperative House Building Society, is not amenable to



the RTI Act, therefore, the direction passed upon it, to supply the information to respondent No.5, is against the statutory principles. He further submits that the issue involved for consideration in the instant writ petition is no more *res integra*, as the Hon'ble Supreme Court in **Thalappalam Ser. Coop. Bank Ltd. and others Vs. State of Kerala and others, 2013 (16) SCC 82**, has categorically held that the Cooperative Societies, registered under the Cooperative Societies Act, do not fall within the definition of public authority, as defined under Section 2 (h) of the RTI Act:-

“54. We, therefore, hold that the Cooperative Societies registered under the Kerala Co-operative Societies Act will not fall within the definition of “public authority” as defined under Section 2(h) of the RTI Act and the State Government letter dated 5.5.2006 and the circular dated 01.06.2006 issued by the Registrar of Co-operative Societies, Kerala, to the extent, made applicable to societies registered under the Kerala Co-operative Societies Act would stand quashed in the absence of materials to show that they are owned, controlled or substantially financed by the appropriate Government. Appeals are, therefore, allowed as above, however, with no order as to costs.”

3. Further, he submits that, while adopting the ratio laid down in the verdict (supra), the Madras High Court in **President, Z.B.70, Madhanam Primary Agricultural Vs. State Information Commissioner, 2024 AIR Madras 239**, clearly emphasized that a Co-operative Society registered under the Tamil Nadu Co-operative Societies Act, is not bound by the RTI Act, to provide the information sought by a citizen, as the said Society does not fall within the definition of Public Authority. In this regard, he refers to paragraph 9 and 11:-



9. In paragraph 54 of the judgment in the case of ***Thalappalam Service Cooperative Bank Ltd. and Others Vs. State of Kerala and Others [2013 (7) MLJ 407 (SC)]***, the Hon'ble Supreme Court has held as follows:

“We, therefore, hold that the Cooperative Societies registered under the Kerala Co-operative Societies Act will not fall within the definition of “public authority” as defined under Section 2(h) of the RTI Act and the State Government letter dated 05.05.2006 and the circular dated 01.06.2006 issued by the Registrar of Co-operative Societies, Kerala, to the extent, made applicable to societies registered under the Kerala Co-operative Societies Act would stand quashed in the absence of materials to show that they are owned, controlled or substantially financed by the appropriate Government. Appeals are, therefore, allowed as above, however, with no order as to costs.”

Xx xx xx xx

11. In view of the above decisions, it is made clear that a cooperative society registered under the Tamil Nadu Co-operative Societies Act is not bound by the RTI Act to provide the information requested by a citizen and that the co-operative society does not fall within the definition of “public authority” as defined under Section 2(h) of the RTI Act. Therefore, the impugned order passed by the 1st respondent in S.A.No.6082/A/2022 dated 04.05.2022 is liable to be quashed.

4. While concluding his arguments, he further takes support from a decision rendered by a Division Bench of the Madras High Court in **Public Information Officer and others Vs. Registrar, Tamilnadu Information Commission and others, 2015 (3) RCR (Civil) 835**, wherein similar legal proposition has been followed:-

“8. On the next issue relating to Constitutional provisions and Co-operative autonomy, it was held that co-operative



societies are not treated as unit of self Government like Panchayat and Municipalities. The Hon'ble Supreme Court then proceeded to examine the provisions of the Right to Information Act, the effect of words "substantially financed" and the restrictions and limitations, which could be imposed in the larger public Interest and held that the co-operative societies registered under the Kerala Co-operative Societies Act will not fall within the definition of "public authority" as defined under Section 2(h) of the RTI Act.

9. In the light of the above, we have no hesitation to hold that the legal issue arising in these appeals are squarely covered by the decision of the Hon'ble Supreme Court in the case of Thalappalam Ser. Coop., Bank Ltd., and Others, (supra). The distinction sought to be drawn by the learned counsel for the respondent stating that the provisions of the RTI Act would be applicable to cases where the Government Officers are appointed to function as Special Officers of the society, when there is no elected Board of Directors, could hardly make any difference in the light of the recent pronouncement of the Hon'ble Supreme Court. The learned counsel appearing for the appellants submitted that for all the societies, elections were conducted and the societies are managed by the elected members."

5. Per contra, learned counsel for respondent No.5, while vigorously opposing the submissions advanced on behalf of the petitioner, submits that, in fact, the application was not filed with the petitioner-Society, but before the Assistant Registrar Cooperative Societies-cum-State Public Information Officer, Gurugram, who is duty bound to ensure transparency, and accountability in the opaque functioning of the petitioner-Society. He further submits that, since the Assistant Registrar Cooperative Society is a Public Authority, therefore, the information sought for, cannot be denied to the applicant-respondent



No.5. He asserts that in **Thalappalam (supra)**, the Hon'ble Supreme Court has held that any information, which can be accessed by a Public Authority under law, can be sought by any citizen under the RTI Act. While continuing his arguments, he submits that the word "information" is specifically defined in Section 2(f) of the RTI Act, which also includes, *"information relating to any private body which can be accessed by a public authority under any other law for the time being in force."* Likewise, he submits that Section 2 (j), defines the term, "right to information", which means *"the right to information accessible under this Act, which is held by or under the control of any public authority."* To lend credence to his version, he places reliance upon two decisions rendered by the Delhi High Court in **Poorna Prajna Public School Vs. Central Information Commission and others** (Writ Petition (Civil) No.7265 of 2007, decided on 25.09.2009), and **Telecom Regulatory Authority of India Vs. Kabir Shankar Bose (W.P.(C) 12388/2018, decided on 20.11.2018)**, and concludes by submitting that the impugned order, indeed, passes the test of legality, and therefore, the writ petition is liable to be dismissed.

6. Before this Court gauges the legality of the impugned order and embarks upon the rival submissions advanced on behalf of the parties, it is imperative to have a quick glance of the undisputed facts.

7. Respondent No.5 had filed an application dated 02.03.2023 (Annexure P-1), under the RTI Act with the Assistant Registrar Co-operative Societies-cum-State Public Information Officer, Gurugram, seeking following extracted information:-

"1) Certified copy of page no 1 to page no 34 of the



proceedings register no 9 of “THE SARASWATI KUNJ CO-OPREATIVE HOUSE BUILDNIG SOCIETY LTD., WAZIRABAD, GURUGRAM”

2) *Certified Copy of all the*

A) Agenda issued for all the meetings of the Board of Administrator of “THE SARASWATI KUNJ CO-OPREATIVE HOUSE BUILDNIG SOCIETY LTD., WAZIRABAD, GURUGRAM” from 10-10-19 to till date.

B) Minutes of all the meetings of the Board of Administrator of “THE SARASWATI KUNJ CO-OPREATIVE HOUSE BUILDNIG SOCIETY LTD., WAZIRABAD, GURUGRAM”

8. Accordingly, the SPIO concerned, transmitted the application (supra), to the petitioner-Society. However, vide communication dated 06.04.2023 (Annexure P-2), the SPIO was reverted that since the petitioner-Society functions on the cooperative principles without any government funding, it does not fall within the purview of Article 12 of the Constitution of India, and as such, is not amenable to the RTI Act. The relevant portion of the communication is extracted hereinbelow:-

“...The Saraswati Kunj Cooperative House Building Society Limited, Wazirabad, Gurugram is a private cooperative society, which does not have any share capital contribution from the State of Haryana.

The Society functions on the cooperative principles without any government funding.

The Society is not State within the meaning of Article 12 of the constitution of India.

The Hon’ble Supreme Court of India in Civil Appeal No.9017 of 2013 has already decided that all cooperative societies are excluded from the purview of the RTI Act-2005.

Therefore no information can be provided by this office



under the RTI Act 2005.”

9. Fetching grievance from the aforesaid, respondent No.5, moved the First Appellate Authority-cum-Deputy Registrar Cooperative Societies, Gurugram, by preferring a statutory first appeal, but the same was disposed of, vide order dated 29.08.2023 (Annexure P-6), in view of the objection submitted on behalf of the petitioner-Society, thereby, denying him the information. Feeling aggrieved, he filed second appeal before the State Information Commission, which was disposed of, vide order dated 28.02.2024 (Annexure P-11), directing the DRCS, Gurugram, to supply the information to respondent No.5, within two weeks from the receipt of the copy of the order.

10. A narration of the facts reflects that respondent No.5-applicant, never sought information from the petitioner, rather, the same was sought from the State Public Information Officer, who is a Public Authority. In conspectus of the entire gamut of the matter, and to put the controversy at rest, this Court is required to answer the following questions:-

- i) Whether, the information relating to a private body, which can be accessed by a Public Authority, can be made available under the RTI Act or not?
- ii) Whether, the sought for information is under the control of Public Authority or not?

11. To answer the abovesaid questions, it would be necessary to refer to the relevant provisions of RTI Act. To begin with, Section 2(f) defines the word, “information” and Section 2 (j) explains the term, “right to information”, and the same read as thus:-



(f) “information” means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

(g) “right to information” means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

(i) inspection of work, documents, records;

(ii) taking notes, extracts or certified copies of documents or records;

(iii) taking certified samples of material;

(iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

12. A scrutiny of Section 2 (f) makes it conveniently clear that any information relating to any private body, which can be accessed by a Public Authority, under any other law for the time being in force, does fall within the ambit of information. The Hon’ble Supreme Court in **Central Public Information Officer, Supreme Court of India Vs. Subhash Chandra Agarwal, (2020) 5 SCC 481**, has already contemplated this issue in extenso, casting that “information relating to any private body, which can be accessed by a public authority under any law for the time being in force” has to be read as reference to



“information” not presently available or held by the public authority, but can be accessed by the public authority from a private body, under any other law, for the time being in force. The relevant observations, in this regard, are as under:-

“20. ‘Information’ as per the definition clause is broad and wide, as it is defined to mean “material in any form” with amplifying words including records (a term again defined in widest terms vide clause (i) to Section 2 of the RTI Act), documents, emails, memos, advices, logbooks, contracts, reports, papers, samples, models, data material held in electronic form, etc. The last portion of the definition clause which states that the term ‘information’ would include ‘information relating to any private body which can be accessed by a public authority under any other law for the time being in force’ has to be read as reference to ‘information’ not presently available or held by the public authority but which can be accessed by the public authority from a private body under any other law for the time being in force. The term – ‘private body’ in the clause has been used to distinguish and is in contradistinction to the term – ‘public authority’ as defined in Section 2(h) of the RTI Act. It follows that any requirement in the nature of precondition and restrictions prescribed by any other law would continue to apply and are to be satisfied before information can be accessed and asked to be furnished by a private body.

21. What is explicit as well as implicit from the definition of ‘information’ in clause (f) to Section 2 follows and gets affirmation from the definition of ‘right to information’ that the information should be accessible by the public authority and ‘held by or under the control of any public authority’. The word ‘hold’ as defined in Wharton’s Law Lexicon, 15th Edition, means to have the ownership or use of; keep as one’s own, but in the context of the present legislation, we would prefer to adopt a broader definition of the word ‘hold’ in Black’s Law Dictionary, 6th Edition, as meaning; to keep, to retain, to maintain possession of or authority over. The words ‘under the control of



any public authority’ as per their natural meaning would mean the right and power of the public authority to get access to the information. It refers to dominion over the information or the right to any material, document etc. The words ‘under the control of any public authority’ would include within their ambit and scope information relating to a private body which can be accessed by a public authority under any other law for the time being in force subject to the pre-imposed conditions and restrictions as applicable to access the information.”

13. Similarly, in **Poorna Prajna Public School (supra)**, the Delhi High Court, in unambiguous words, has amplified that any information, which a Public Authority is entitled to access, under any law, from private body, falls within the definition of word, **“information”**, in terms of Section 2(f) of the RTI Act, and has to be furnished. In this regard, the observations made in paragraph 8 of the verdict, are relevant to be referred to:-

“8. Information as defined in Section 2(f) means details or material available with the public authority. The later portion of Section 2(f) expands the definition to include details or material which can be accessed under any other law from others. The two definitions have to be read harmoniously. The term “held by or under the control of any public Authority” in Section 2(j) of the RTI Act has to be read in a manner that it effectuates and is in harmony with the definition of the term “information” as defined in Section 2(f). The said expression used in Section 2(j) of the RTI Act should not be read in a manner that it negates or nullifies definition of the term “information” in Section 2(f) of the RTI Act. It is well settled that an interpretation which renders another provision or part thereof redundant or superfluous should be avoided. Information as defined in Section 2(f) of the RTI Act includes in its ambit, the information relating to any private body which can be accessed by public authority under any law for the time being in force. Therefore, if a public



authority has a right and is entitled to access information from a private body, under any other law, it is “information” as defined in Section 2(f) of the RTI Act. The term “held by the or under the control of the public authority” used in Section 2(j) of the RTI Act will include information which the public authority is entitled to access under any other law from a private body. A private body need not be a public authority and the said term “private Body” has been used to distinguish and in contradistinction to the term “public authority” as defined in Section 2(h) of the RTI Act. Thus, information which a public authority is entitled to access, under any law, from private body, is information as defined under Section 2(f) of the RTI Act and has to be furnished”.

14. Concurring with a view taken in **Poorna Prajna Public School (supra)**, a Coordinate Bench of the Delhi High Court in **Telecom Regulatory Authority of India (supra)**, observed as under:

“14. Thus, it is settled that an interpretation which renders another provision or part thereof redundant or superfluous should be avoided. Information as defined in Section 2 (f) of the RTI Act includes in its ambit, the information relating to any private body which can be assessed by public authority under any law for the time being in force. Therefore, if a public authority has a right and is entitled to access information from a private body, under any other law, it is „information” as defined in Section 2 (f) of the RTI Act. Thus, it is obligation on the public authority to get the information from the private body and furnish the same to the applicant.”

15. At this juncture, proviso attached to Section 8 of the RTI Act, assumes significance, which stipulates that the information which cannot be denied to the Parliament or State Legislature shall not be



denied to any person. Therefore, a combined reading of the aboveasaid provisions of the RTI Act highlight that an applicant cannot be denied any information relating to any private body, which can be accessed by a Public Authority, under any law, for the time being in force.

16. So far as the decision in **Thalappalam Ser. Coop. Bank Ltd. and others (supra)** is concerned, it clearly culls out that the Registrar of Cooperative Societies, functioning under the Cooperative Societies Act, is a Public Authority within the meaning of Section 2(h) of the RTI Act. Therefore, he is duty bound to comply with the obligations thereof, and provide information to a citizen, as enumerated in Section 2 (f) of the RTI Act, subject to the limitations provided under Section 8. Interpreting the law on the subject, it is also held that the Registrar can also, to the extent law permits, gather information from a Society, on which he has supervisory or administrative control under the Cooperative Societies Act. In the totality of the facts and circumstances, as demonstrated above, it can be safely concluded that reliance on the **Thalappalam Ser. Coop. Bank Ltd. and others (supra)**, by learned counsel for the petitioner, is totally misplaced, rather it support the submissions of respondent No.5. The relevant observations recorded in the pronouncement are extracted as under:-

“52. Registrar of Cooperative Societies functioning under the Cooperative Societies Act is a public authority within the meaning of Section 2(h) of the Act. As a public authority, Registrar of Co-operative Societies has been conferred with lot of statutory powers under the respective Act under which he is functioning. He is also duty bound to comply with the obligations under the RTI Act and furnish information to a citizen under the RTI Act. Information which he is expected to provide is the



information enumerated in Section 2(f) of the RTI Act subject to the limitations provided under Section 8 of the Act. Registrar can also, to the extent law permits, gather information from a Society, on which he has supervisory or administrative control under the Cooperative Societies Act. Consequently, apart from the information as is available to him, under Section 2(f), he can also gather those information from the Society, to the extent permitted by law. Registrar is also not obliged to disclose those information if those information fall under Section 8(1)(j) of the Act. No provision has been brought to our knowledge indicating that, under the Cooperative Societies Act, a Registrar can call for the details of the bank accounts maintained by the citizens or members in a cooperative bank. Only those information which a Registrar of Cooperative Societies can have access under the Cooperative Societies Act from a Society could be said to be the information which is “held” or “under the control of public authority”. Even those information, Registrar, as already indicated, is not legally obliged to provide if those information falls under the exempted category mentioned in Section 8(j) of the Act. Apart from the Registrar of Co-operative Societies, there may be other public authorities who can access information from a Cooperative Bank of a private account maintained by a member of Society under law, in the event of which, in a given situation, the society will have to part with that information. But the demand should have statutory backing.

53. Consequently, an information which has been sought for relates to personal information, the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual, the Registrar of Cooperative Societies, even if he has got that information, is not bound to furnish the same to an applicant, unless he is satisfied that the larger public interest justifies the disclosure of such information, that too, for reasons to be recorded in writing.”

17. Before drawing a conclusion, it needs to be recorded that it was not argued before this Court that the information sought for, cannot



be extracted by the Registrar, Cooperative Societies, under the law in force. Reverting to the questions (supra), after a detailed deliberation on the matter in issue, in the preceding paragraphs, this Court answers the same in affirmative, and thus, against the petitioner-Society.

18. In summa, this Court finds no perversity or illegality in the impugned order(s), and thus, dissuades from interfering therewith. The writ petition, being devoid of merits, is hereby **dismissed**.

(KULDEEP TIWARI)
JUDGE

03.09.2025
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No