

GOA STATE INFORMATION COMMISSION
'Kamat Towers' Seventh Floor, Patto, Panaji – Goa

Shri. Prashant S. P. Tendolkar ,
State Chief Information Commissioner

Appeal No. 204/2017/SCIC

Shri Sushant Ramesh Shirwaiker,
H.No.5/1381, Shambhavi,
Kalpataru Co-Op. Housing Society,
Nr. Rosary Chruch,
Aquem –Baixo,
Navelim, South Goa. Appellant.

V/s

1)Chairman/Public Information Officer,
Kalpatara Co-Op. Housing Society,
Aquem Baixo, Navelim,
Margao –Goa.
2)Registrar of Co-Op. Societies,
Govt. of Goa , “Sahakar Sankul”,
4th & 5th Floor, EDC Complex,
Patto, Panaji –Goa. Respondents.

Filed on:29/11/2017

Decided on: 26/3/2018

O R D E R

1. This order deals with the issue of maintainability of the present appeal in the back ground of the Judgment of the Hon'ble High Court of Bombay Goa Bench at Panaji in *writ petition no.428 of 2007*.

2. The appellant herein has filed this appeal with a grievance that he has applied for information from the respondent society but he has not been furnished the same. According to him the office of the registrar of cooperative

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societies has informed him that they cannot entertain the appeal as the respondent society has no substantial fund or share capital. With these grievance the appellant has approached this commission in this appeal.

3. Notice of this appeal was served on the parties pursuant to which the chairman of the respondent society appeared and filed a reply. Though the respondent no.2 was served and appeared no reply is filed.

4. I have considered the records. The respondent herein is cooperative society registered under the Goa Cooperative Societies act. Being a society the same is controlled by the committee elected by the members and the funds of the society are also raised by the members thereof.

5. While quashing the order passed by this commission directing Sainik Coperative House Building Society Ltd. to furnish the information under the Right To Information Act 2005 the Hon'ble High Court of Bombay, Goa bench at Panaji in *writ petition no. 428 of 2007(Sainik Cooperative House Building Society Ltd. V/S Mr. Bismark Facho and others* has held that the cooperative societies are not Public Authorities under the said act.

6. The chairman of the respondent society has filed on record certain records which according to him is the information sought. Such action may be gratuitous act but that would not bring the respondent as a public authority.

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7. In the circumstances the appeal filed by the appellant is not maintainable under The Right to Information Act 2005. Hence the same is dismissed.

Notify the parties.

Proceedings closed.

Pronounced in the open proceedings.

Sd/-

(Mr. Prashant S. P. Tendolkar)
State Chief Information commissioner
Goa State Information Commission
Panaji-Goa