

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

CORAM: Shri Juino De Souza : State Information Commissioner

Appeal No. 71/2019/SIC-II

Shri Shambu Madhukar Parab,
H. No. 306/2-B, Mizalwada,
Palye, Pernem Goa.
North Goa – 403524.

..... Appellant

v/s

1. Public Information Officer,
The Goa State Cooperative Bank Ltd.,
Sahakar Sankul, Patto Plaza,
Panaji – Goa.

2. First Appellate Authority,
The Goa State Cooperative Bank Ltd.,
Sahakar Sankul, Patto Plaza,
Panaji – Goa. 403 001

.... Respondents

Relevant emerging dates:

Date of Hearing : 08-01-2020

Date of Decision : 17-01-2020

O R D E R

1. **Brief facts of the case** are that the Appellant vide an RTI application dated 29/01/2019 sought certain information under Section 6(1) of the RTI Act, 2005 from the Respondent PIO, O/o Goa State Co-Op. Bank Ltd, H.O., Sahakar Sankul, Patto, Plaza, Panaji – Goa.
2. The Appellant is seeking information about detailed information about the written examination conducted by the Bank recently for the internal promotion of the staff and is *inter alia* seeking certified copy of the circular dated 15/12/2018 issued by the bank for conducting of the Internal Promotion Test, certified copy of the circular dated 28/12/2018 issued by the bank for the written test to be conducted for Promotion, the number of staffs who passed eligibility criteria and appeared for written examination conducted by the bank for internal promotion of the staff, information about the date, time and place where the written examination conducted by the bank for internal promotion of staff, list of committee appointed by the Bank to check/assess the examination paper of the exam conducted for internal promotion and other such related information as contained in RTI Application. ...2

3. It is seen that the PIO vide reply No. GSCB/LEGAL/2018-2019/10061 dated 12/02/2019 informed the Appellant that the provisions of the RTI Act 2005 are not made applicable for the bank as such the information sought cannot be furnished.
4. Being aggrieved with the reply of the PIO, the Appellant subsequently filed a Second Appeal before the Commission registered on 15/03/2019 and has prayed to direct Respondent to furnish the information within stipulated time period, for disciplinary action and to impose heavy fine against the Respondent No.2 for misleading and willfully delaying the information and for other such reliefs.
5. **HEARING:** During the hearing the Appellant is absent. The Respondent PIO is represented by Adv. R. G. Rivankar.
6. **SUBMISSIONS:** Adv. R. Rivankar for the PIO submits that Goa State Cooperative Bank Ltd is not a public authority and that it is accountable only to its members and is neither substantially financed controlled nor owned by the Government. Adv. R. Rivankar places reliance on several judgments including the Judgment of Bombay High Court (Nagpur Bench) in the case of Dr Punjabrao Deshmukh Urban Cooperative Bank V/s State Information Commission, Jalgoan Cooperative Bank's Association Ltd V/s State of Maharashtra and also Mr Michael Dsouza V/s PIO in Complaint no 77/2009 passed by this commission.
7. **FINDINGS:** The Commission after hearing the submissions of the Adv for the Respondent PIO and perusing the material on record including the appeal memo, reply filed by the Advocate for the PIO dated 06/06/2019 and rejoinder to the reply filed by the appellant dated 22/08/2019 and the finds that the Appellant in his rejoinder has pointed out to a Circular bearing Ref. no. GSCB/LEGAL-ADM/2018-2019/2314 dated 02/06/2018 issued by the Goa State Co-Operative Bank informing the public about the PIO and FAA as required under the RTI Act, 2005. The Appellant has annexed the copy of the same which is on the record of the file.

8. The Appellant in his rejoinder has also stated that the Government is a Shareholder of the bank and 15 crore as capital infusion from the Government has been received and the state government complied with all the requirements stipulated by the RBI. The Appellant in his reply has further stated that State Government has already invested 20 crore in the share capital of the bank and the RBI has sought an assurance from the State Government that financial support be required for the bifurcation and State Government would be willing to provide funds through share capital contribution.
9. **DECISION:** It is an undisputed Bank that the Goa State Cooperative Bank Ltd was declared as a public authority by Appropriate Government and as per the circular bearing Ref. no. GSCB/LEGAL-ADM/2018-2019/2314 dated 02/06/2018 had nominated a PIO and FAA and as such the argument submitted by Adv. R. Rivankar that the Bank is not a public authority cannot be accepted. The Government is a shareholder in the Bank although it may not be a major shareholder having invested 20 crore in the share capital. Also Registrar of Cooperative Societies has statutory control over the Bank. Further the Bank is also established under the RBI and under NABARD.
10. In view of the above discussion the Commission accordingly comes to the conclusion that the Goa State Cooperative Bank Ltd falls under the purview of public authority under section 2(h) of the RTI act 2005 and directs the PIO to furnish the information as sought in the RTI application to the appellant within 15 days from the date of the receipt of this order.

With these directions the Appeal case stands disposed.

Pronounced before the parties who are present at the conclusion of the hearing. Notify the parties concerned. Authenticated copies of the order be given free of cost.

Sd/-

(Juino De Souza)
State Information Commissioner

