

GOA STATE INFORMATION COMMISISON

**Ground Floor, Shrama Shakti Bhavan, Patto Plaza, Panaji-Goa
Coram: Smt. Leena Mehendale, State Chief Information Commissioner**

Appeal 308/SCIC/2008

Decided on 22/07/2014

Mr. Kashinath Shetey
Babino Building, Alto-Fondvem,
Ribandar, Tiswadi-Goa.Appellant

V/s

- 1) The Public Information Officer,
Dy. Registrar of Co-operative Societies,
Panaji-Goa.Respondent No.1
- 2) Deemed Public Information Officer,
Asst. Registrar of Co-operative Societies,
Dairy, Ponda-Goa.Respondent No.2
- 3) Deemed Public Information Officer,
The Managing Director,
Goa State Co-Op. Milk Products,
Ponda-Goa.Respondent No.3
- 4) First Appellate Authority,
Registrar of Co-Operative Societies,
“Sahakar Sankul”, Patto Plaza,
Panaji-Goa.Respondent No.4

ORDER (Open Court)

RTI application filed on: - 13/10/2008
PIO replied on: - 12/11/2008
First Appeal filed on: - 25/11/2008
FAA Order in Appeal no 10/2008 Dated: - 09/01/2009
Second Appeal filed on: - 09/03/2009

The crux of this case is whether the Goa State Co-Operative Milk Union Ltd, which is Registered under Co-Operative Societies Act is to be considered as a Public Authority under Section 2 (h) of the RTI Act, 2005. Already Order was passed on 23/04/2010 by the then SCIC directing the Dy. Registrar / PIO who is respondent no.1 and Asst. Registrar/Deemed PIO who is respondent no.2 to furnish the said information. Thereafter another judgment was passed by the then SCIC on 11/02/2012 in which he has referred to the observation made by Hon'ble High Court of Bombay at Goa in Writ Petition No.398 of 2010 in which his earlier order was set aside and matter was to be re-heard.

In this Second time rehearing, the then SCIC has come to a conclusion that the Goa State Co-Operative Milk Producers Union Ltd is a Public Authority within Sec 2(h) of RTI Act, 2005.

This Order was once again challenged at High Court of Bombay at Goa in Writ petition bearing No.162/2011, in which the High Court has directed that the SCIC may not pass any final order on the application of the appellant till the decision of the High Court

In view of above, this case has been adjourned form time to time. Today again the case came up for hearing. I have gone through all the records, Appellant is absent. PIO and Asst. Registrar from the Co-Operative Societies Ponda-Goa are present.

In view of the fact that the main issue is now seized by the High Court of Bombay at Goa, by whose order the Goa SCIC has been restrained from taking final decision, I consider it is fit to dismiss the present appeal, with the liberty to the Appellant that if the final outcome of Writ Petition No.162/2011, pending before the High Court of Bombay at Goa is in his favour, he may approach the SCIC within two months from the receipt of the High Court Order to reopen this Second Appeal.

The present appeal is dismissed with above liberty. Declared in Open Court. Parties to be inform.

Sd/-
(Leena Mehendale)
Goa State Chief Information Commissioner,
Panaji-Goa