

## **GOA INFORMATION COMMISSION**

Ground Floor, "Shrama Shakti Bhavan", Patto Plaza, Panaji.

Appeal No. 37/2007-08/Co-op.

1. Shri A. V. Shinde  
Public Information Officer,  
Managing Director/Admn.,  
The Goa State Co-op. Bank Ltd.,  
Sahakar Sankul, Patto, Panaji - Goa.
  2. Shri C. K. Dessai  
Assistant Public Information Officer,  
The Goa State Co-op. Bank Ltd.,  
Sahakar Sankul, Patto, Panaji - Goa.
- ..... Appellants.

V/s.

1. Shri Shyam N. Metri  
C-3, Siddhi Vinayak Co-op. Hsg. Society Ltd.,  
Vodlem Bhat, Taligao - Goa.
  2. Shri Ashok N. Naik  
C-3, Siddhi Vinayak Co-op. Hsg. Society Ltd.,  
Vodlem Bhat, Taligao - Goa.
- ..... Respondents.

### **CORAM:**

Shri A. Venkataratnam  
State Chief Information Commissioner  
&  
Shri G. G. Kambli  
State Information Commissioner

(Per G. G. Kambli)

Dated: 13/09/2007.

Adv. E. Barreto for the Appellants.

Adv. Bhohe for the Respondents.

### **ORDER**

The Appellants challenge the order dated 13/6/2007 passed by the Registrar of the Co-operative Societies, in Information Appeal No. 4/2007 under Section 19(3) of the Right to Information Act, 2005 (for short the Act). The case of the Appellants is that the Goa State Co-operative Bank Ltd. is not a "Public Authority" within the meaning of section 2(h) of the Act. However, the Registrar of Co-operative Societies has held that the said Bank is a Public Authority and directed the Appellants to provide the information to the Respondents.

2. The Appellants have not impleaded the Registrar of Co-operative Societies as one of the Respondents. The Commission has held the view that the first

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Appellate Authority is also a necessary party in the second appeal preferred under Section 19(3) of the Act as the Commission is not deciding or adjudicating any disputes between two private parties but deciding the matters between the Public Information Officer/first Appellate Authority and the individuals. That apart, clause (iv) of Rule 5 of the Goa State Information Commission (Appeal Procedure) Rules, 2006 contemplates that the Commission while deciding the appeal may hear the Public Information Officer or such senior officer who had decided the first appeal.

3. In the present case, the Appellant have prayed for quashing and setting aside of the order dated 13/6/2007 passed by the Registrar of Co-operative Societies. Therefore, we hold that it is necessary to hear the Registrar of Co-operative Societies before passing any order on this second appeal. We, therefore, direct that a notice be issued to the Registrar of Co-operative Societies alongwith the copy of the memo of appeal to file the say on 08/10/2007 at 11.00 a.m.

Pronounced in the open court on this 13<sup>th</sup> day of September, 2007.

Sd/-  
(G. G. Kambli)  
State Information Commissioner

Sd/-  
(A. Venkataratnam)  
State Chief Information Commissioner

/sf.  
sf./dk.