

ORDER

This order shall dispose of 12 appeals (Appeals Nos. 67 to 78) dt. 29.06.2015 of Sh. R.C. Beri against the response of the PIO/AR (Sec.-5) on his RTI applications filed under RTI Act 2005. The appellant in person and Sh. B.K. Puri PIO/AR (Sec.-5) were present on dates of hearing.

The appellant in his RTI applications vide ID No. 386 to 392 dt. 17.04.15 and ID No. 392 to 405 dt. 20.04.15 sought information in respect of appeals filed during the year 2011 to 2013 before Assistant Registrar Cooperative Societies (East)/Appellate Authority u/s 139(2) of DCS Act 2003. r/w Rule 165 (8) of DCS Rules 2007 against the reply/no reply furnished by the Administrator/ the NDSE CGHS Ltd. on his 12 RTI applications filed between June 2011 and June 2013 filed u/s 139 of DCS Act 2003.

In each of the above RTI applications filed under RTI Act 2005 on 17.04.15 and 20.4.15, the appellant sought information inter alia, whether any date has been fixed, any notice (s)/ summon (s) has been issued to the appellant and respondent society for appearance before the court of Assistant Registrar. One of his RTI applications is, however, reproduced is as below:-

I am member of the NDSE CGHS Ltd., Plot No.24, Vasundhara Enclave, Delhi-110096. I have filed the following appeal on 19.08.2011 before Asstt. Registrar Coop. Societies (East) u/s 139 (2) DCS Act, 2003 read with Rule 165 (8) of DCS Rules, 2007 on 19.08.2011 against letter dt. 3.8.2011 of the Administrator sent in reply to RTI application dated 05.07.2011 whereby he has not furnished the information (s)/ document (s) requested for in RTI application titled as:

(1) Sh. R.C. Beri Vs. Sh. P.C. Jain, Administrator of NDSE CGHS Ltd.

You are requested to please provide me following information regarding the above said case:-

- (a) Whether any date has been fixed in the abovesaid case.*
- (b) Whether any notice (s) summon (s) has been sent to the Appellant and Respondent for appearance before the court of Asstt. Registrar or any other Court. In case answer is in affirmative then please give me following information:-*
 - (i) On which date notice (s)/summon (s) were issued and despatched;*
 - (ii) Whether the notice (s)/ summon (s) have been served on the parties;*
 - (iii) Please supply me copy of notice (s) summon (s) with copy (s) of its postal receipt (s) by which notice (s)/summon (s) were sent.*

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(c) Whether any w.s/reply/document (s) have been filed by the Respondent. In case answer is in affirmative then please supply me copies of all w.s/reply/document (s) filed by the Respondent.

(d) Please supply me copy of complete order sheet of above said case.

All the 12 RTI applications are similarly drafted. The reply dated 25.5.15 of PIO/AR (Sec.5) regarding supply of information under RTI, 2005 vide ID No. 386 to 392 dt. 17.04.2015 & 399 to 405 dt. 20.04.15 filed by Sh. R.C. Beri, advocate is also reproduced as below:-

With reference to above said RTI applications it is informed that the said appeals under section 139 were filed about four to two years back and these appeals must have been submitted in the erstwhile District East. Moreover in June 2014, these erstwhile zone were disbanded and in their place new sections were created. Nevertheless, a thorough search of this section was made but the said records could not be traced.

It is, therefore, requested to kindly provide the copies of said applications under section 139 to this section in order to enable this office to process the matter expeditiously.

Not providing the information because of the reason records are not traceable in the concerned section is deplorable. Further requiring said RTI application/appeals from the appellant at this stage after lapse of more than 3 years is unwarranted as it may cause legal repercussions of limitation etc. from the respondent society. Probably for this reason the appellant did not provide documents as requested by the PIO/AR (Sec.5) in his reply dt. 25.5.15 and rather the appellant preferred appeals against the said reply. The PIO/AR (Sec.5) is, therefore, directed to make concerted efforts to locate the requisite documents at both places i.e old zone and new section and provide the information asked for by the appellant within a period of 15 days from the date of receipt of this order free of cost.

The appeals are disposed of accordingly with the above observations.

As per section 19 of the Right to Information Act, 2005, the appellant may file an appeal, if any, within 90 days of the issue of this order before Second Appellate Authority i.e. Central Information Commission, B- Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110066.

Vijay
10.9.15
(Vijay Bhardwaj)

First Appellate Authority/DRCS-II

To

1. Sh. R.C. Beri, Flat No. 45, NDSC Coop. G/H Society Ltd., Plot No. 24, Vashundhra Enclave, Delhi- 110092.
2. PIO/ AR (Sec.-5) O/o the RCS, GNCTD.
3. A.D. Computer O/o the RCS, GNCTD.
4. AR (RTI) O/o the RCS, GNCTD.