

# TELANGANA STATE INFORMATION COMMISSION

(Under Right to Information Act, 2005)

Samachara Hakku Bhavan, D.No.5-4-399, '4' Storied Commercial Complex,  
Housing Board Building, Mojam Jahi Market, Hyderabad – 500 001.  
Phone Nos: 040-24740638 (o); 040-24740592(Fax)

**Appeal No. 11422/SIC-Dr.Mohd.Ameer/2020**

**Dated: 23-06-2022**

Appellant : Sri V. RADHAKRISHNA, R/o Hyderabad District

Respondents : The Public Information Officer (U/RTI Act, 2005) /  
O/o The Deputy Registrar of Cooperative Societies, Secunderabad  
Division, 5<sup>th</sup> Floor, Gruha Kalpa, M.J.Road, Hyderabad

The Appellate Authority (U/RTI Act, 2005) /  
O/o The Deputy Registrar of Cooperative Societies, Secunderabad  
Division, 5<sup>th</sup> Floor, Gruha Kalpa, M.J.Road, Hyderabad.

## **ORDER**

Sri V. RADHAKRISHNA, R/o Hyderabad District filed 2<sup>nd</sup> appeal dated 28-12-2020 which was received by this Commission on 31-12-2020 for not getting the information sought by him from the PIO / O/o The Deputy Registrar of Cooperative Societies, Secunderabad Division, 5<sup>th</sup> Floor, Gruha Kalpa, M.J.Road, Hyderabad and 1<sup>st</sup> Appellate Authority / O/o The Deputy Registrar of Cooperative Societies, Secunderabad Division, 5<sup>th</sup> Floor, Gruha Kalpa, M.J.Road, Hyderabad.

The brief facts of the case as per the appeal and other records received along with it are that the appellant herein filed an application dated 16-09-2020 under Sec.6(1) of the RTI Act, 2005, before the PIO seeking the following information:

**Sub: Co-op. Department- State Co-operative Election Authority- Conduct of Elections to the Managing Committee of Motinagar Co-op. Housing Society Ltd. Excess members in the voters' list beyond the 10% limit over the members served with plots.**

**Ref: 1. Our letter dated 15<sup>th</sup> November 2019 submitted in your office on 18<sup>th</sup> November 2019 (Copy enclosed for ready reference)**

Kindly refer our letter cited above.

In the matter of admission of new members in waiting beyond the limitation of 10% over the members served with plots in to our Housing Society since 1996 till 2012 as stated in our earlier letters against the directions under section 4(2)\*, you have stated that the same was withdrawn in the month of June 2000. Hence removal of such members is Not tenable.

\*Departmental instruction vide R.C.No. 21636/97/Housing (1) dated 17<sup>th</sup> April 1997. {Copy enclosed for ready reference}

These members are still continuing in the list on date.

**Under the circumstances I beg you to provide a certified copy of the Order / memorandum/ letter wherein the instructions dated 17<sup>th</sup> April 1997 have been withdrawn as stated by you on 5<sup>th</sup> November 2019, as per which these extra members were admitted and also continued.**

The Public Information Officer has not furnished the sought information to the appellant.

Since the appellant did not receive the information from the Public Information Officer, he filed 1<sup>st</sup> appeal dated 16-10-2020 before the 1<sup>st</sup> Appellate Authority requesting him to furnish the information sought.

As per the records enclosed it is noticed that the 1<sup>st</sup> Appellate Authority had failed to hear the case and pass appropriate orders on the 1<sup>st</sup> appeal filed before him.

As the appellant did not get information from the Public Information Officer, he preferred this 2<sup>nd</sup> appeal before this Commission requesting to arrange to furnish the information sought by him.

The 2nd Appeal was taken on file and notices were issued to the parties concerned for hearing on **23-06-2022**.

On **23-06-2022** the case is called. The Appellant is present. The Public Information Officer / Assistant Registrar, O/o the Deputy Registrar of Cooperative Society, Secunderabad Division, Hyderabad is present. The 1st Appellate Authority is absent.

The Public Information Officer submitted that the appellant is seeking information regarding Mothinagar Society and the matter is under inspection and the records sought by the appellant belong to very old and not traceable. Hence sought (15) days time to search for records and furnish the same to the appellant.

The record goes to show that the appellant in his 6(1) application sought information regarding excess members in the voters list beyond the 10% limits over the members served with plots with reference to the departmental instructions issued vide RC No.21636/1997/Housing(1) dated 17-4-1997. The appellant is seeking action taken report on his representation dated 16-9-2020 and 15-11-2019.

The submission of the Public Information Officer that the record is not traced is not acceptable to the Commission. She must trace the record or file FIR in the Police Station or produce destruction certificate of the records.

The Commission directs the Public Information Officer to search for the records thoroughly and furnish the sought information to the appellant as assured within (15) days from the date of receipt of this order and submit compliance to the Commission.

With the above direction, **the Appeal is adjourned** for compliance by the Public Information Officer.

**Dr. Mohd. Ameer**  
**State Information Commissioner**

**Authenticated by:**

**Assistant Registrar**  
**Copy to: IT Section/SF**