

File No.R-11017/07/2024-Omb

Government of India  
Ministry of Cooperation  
Office of Cooperative Ombudsman

9th Floor, Tower-E, World Trade Centre,  
Nauroji Nagar, Delhi-110029

Dated: 23<sup>rd</sup> September, 2024

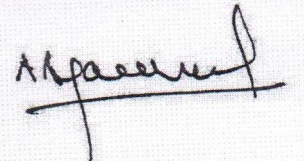
Hearing in the Matter of Shri Rakesh Gupta Vs Kendriya Bhandar Before the  
Cooperative Ombudsman

Present:

1. Shri Rakesh Gupta..... Complainant
2. Shri K.K. Sharma, Consultant, and Shri Mukesh Kumar, Managing Director, on behalf of (Kendriya Bhandar)..... Respondent

ORDER

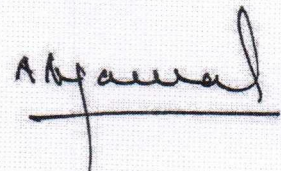
1. Shri Rakesh Gupta has filed a complaint alleging that Kendriya Bhandar has failed to respond to his notice dated 27-05-2024 issued under Section 108 of the Multi-State Cooperative Societies (MSCS) Act, 2002, seeking the following information
  - a) Details of persons recruited on permanent employment at Kendriya Bhandar on the basis of interviews during the last five years, post-wise.
  - b) Details of service rules framed for each post on which recruitment has been made on the basis of interviews during the last five years.
  - c) The appointing authority for each post on which recruitment has been made on the basis of interviews during the last five years.
  - d) Name, age, educational qualification, and working experience of persons recruited on permanent employment at Kendriya Bhandar on the basis of interviews during the last five years, post-wise.
2. The complainant alleges that Kendriya Bhandar has failed to provide the requested information, thereby infringing upon his statutory rights under Section 108(1) (iii) of the MSCS Act, 2002.
3. A notice was issued on 23-07-2024 by the office of the Cooperative Ombudsman to Kendriya Bhandar seeking their response to the complaint.
4. Kendriya Bhandar vide its reply dated 07-08-2024, stated that the response to the notice dated 27-05-2024 had already been communicated to the complainant via email on 13-06-2024. A copy of the said reply was placed on record along with the





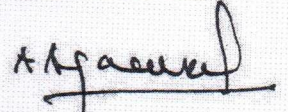
submission dated 07-08-2024. In the reply dated 13-06-2024, Kendriya Bhandar stated that the General Body of Kendriya Bhandar, in its meeting dated 26-09-2021, had suspended the complainant's membership through an order dated 02-11-2021.

5. During the hearing on 29-08-2024, the complainant stated that he had not received a copy of the reply dated 13-06-2024. The representatives of Kendriya Bhandar were directed to provide a copy of the reply by the end of the day.
6. The representatives of Kendriya Bhandar asserted that the order of suspension of the complainant's membership has been challenged by him before the Hon'ble High Court of Delhi, and no stay order has been passed against the said suspension order dated 02-11-2021.
7. Both the parties were further given an opportunity to submit any additional documents related to this matter within 10 days. The complainant submitted additional documentation on 04-09-2024, while the respondent submitted further information on 09-09-2024. All additional submissions/documents have been taken on record.
8. On perusal of the facts and submissions made, the following aspects emerge : -
  - a) Shri Rakesh Gupta, complainant had issued a notice to Kendriya Bhandar seeking certain information and documents under section 108 of the MSCS Act, 2002.
  - b) As per the provisions of the MSCS Act, 2002, it is mandatory that a multi-state Cooperative Society shall produce all such books of account and others books and papers, etc for the inspection by the members of the multi-state Cooperative society.
  - c) However, it has been brought out that the complainants' membership is under suspension which is being contested in WP (C) No. 14629/2021 in the Hon'ble High Court of Delhi. In the same Writ Petition the issue of providing information under section 108 of the MSCS Act, 2002 is an earlier matter has also been brought before the Hon'ble High Court of Delhi seeking relief therein.
  - d) As per Section 85A (1) of the Multi-State Cooperative Societies Act, 2002 and Rules therein, only a member of the cooperative society may file a complaint or appeal before the Cooperative Ombudsman. The complainant's membership status is currently in question due to the suspension order being contested in WP (C) No. 14629/2021 in the Hon'ble High Court Delhi.
  - e) The complainant, failed to disclose that the matter concerning the provision of information under Section 108 in an earlier matter, as well as his membership status, is currently under adjudication by the Hon'ble High Court of Delhi in WP (C) No. 14629/2021.





- f) Pursuant to the provisions outlined in Rule 30G(2)(a), no complaint shall be filed, nor shall any appeal be preferred to the Ombudsman on an issue that has been or is currently the subject of any proceeding, appeal, revision, reference, or writ before any Authority, Tribunal, Court, or the Central Registrar.
9. After due consideration of the documents submitted, the representation made by the parties and the relevant provisions of law, the matter is hereby disposed off as follows: -
- (i) The complainant's membership status as also the issue of providing information under section 108 of the MSCS Act, 2002 in another case is already pending before the Hon'ble High Court of Delhi in WP (C) No. 14629/2021 and hence, the matter is sub judice.
  - (ii) Therefore, the application of complainant cannot be considered at this stage.



(Alok Agarwal)  
Cooperative Ombudsman

Copy to:-

1. Shri Rakesh Gupta, Sector-8/1246, R.K. Puram, New Delhi 110022
- ✓ 2. Chairman, Central Governments Employees Consumer Cooperative Society Limited (Kendriya Bhandar) E – Wing, first Floor, Pushpa Bhawan, Madan Giri Road, New Delhi - 110062