

R-11011/11/2025-OMB/CRCS
Office of Cooperative Ombudsman
Ministry of Cooperation
Government of India

9th Floor, Tower-E, World Trade Centre,
Nauroji Nagar, Delhi-110029
Dated: 20th June 2025

Hearing in the matter of Shri Sukumar A Gadage and Shri Ramesh B Chougule
Vs. Deshbhakta Ratnapanna Kumbhar Panchaganga Sahakari Sakhar
Karkhana Ltd., Kolhapur before the Cooperative Ombudsman

Shri Sukumar A Gadage and Shri Ramesh B
Chougule

Appellants

Deshbhakta Ratnapanna Kumbhar Panchaganga
Sahakari Sakhar Karkhana Ltd., Kolhapur

Respondent

ORDER

1. Shri Sukumar A Gadage and Shri Ramesh B. Chougule in their appeal dated 02nd Februaruy 2025 against Deshbhakta Ratnapanna Kumbhar Panchaganga Sahakari Sakhar Karkhana Ltd., Kolhapur, have stated that they vide their notice dated 09th December 2024 u/s 106 of MSCS Act, 2002 have sought list of members eligible for candidature of class A (producer) and Class B (non-producer) for the election for 2024-25, how much sugarcane was received from members and non-members during 2019 to 2024, society's audit reports from 2010 to 2024, quantity of sugar taken from Renuka Sugars Ltd. in the year 2024 for distribution of concessional sugar and list of members to whom concessional sugar has been distributed. The society vide letter dated 06th January 2025 denied to provide information stating that information sought was not covered under the provisions of section 106 of MSCS Act. Hence, they filed an appeal dated 02nd February 2025 before the Cooperative Ombudsman.
2. Notices dated 21st February 2025 and 04th April 2025 were issued by the office of Cooperative Ombudsman to Deshbhakta Ratnapanna Kumbhar Panchaganga Sahakari Sakhar Karkhana Ltd, Kolhapur seeking their response to the appeal latest by 15th April 2025. No reply was received from the respondent Society.
3. Appellants and respondent society were summoned for a hearing through video conferencing on 29th April 2025. Both the appellants and the respondent society attended the hearing.



4. Appellants reiterated their stand in line with their appeal and stated that despite their written request and constant follow up, the society has denied to provide information sought by them through their application dated 09th December 2024 as also their earlier applications u/s 106 of MSCS Act, 2002 as also the RTI Act 2005.
5. The respondent society informed that they have not received notice dated 21st February 2025 issued by the office of the Cooperative Ombudsman and have replied to the reminder dated 04th April 2025 on 22nd April 2025. The same has also been sent via email on 25th April 2025.
6. Cooperative Ombudsman enquired as to why the respondent society has denied information sought by the appellants vide their notice dated 09th December, 2024. Respondent society stated that they can give information on certain points. Cooperative Ombudsman directed the society to provide point wise information to the appellants and give reasons on the points, where they choose not to provide information.
7. The respondent society vide their letter dated 30th April, 2025, which has also been mailed to this office, has given reply to the appellants pertaining to information sought by them vide their applications dated 24th April 2024 and 09th December 2024 u/s 106 of MSCS Act, 2002. They have given reasons for not providing information on certain points.
8. The appellants, in their submission vide a fresh appeal dated 29th May 2025 filed with Cooperative Ombudsman in Form VII, have contended that society in its reply dated 30th April 2025 has refused to provide certain information sought by them for irrelevant reasons viz. (i) list of members eligible for candidature of class 'A' & 'B' for society's election from 2024-25 to 2029-30 was denied by the society stating that Returning Officer will decide the eligibility of members, (ii) year wise details of sugar cane received during 2019 to 2024 was not provided on ground that non members are third party and the society can't give information about their sugar cane violating their rights, (iii) request for providing audit reports of the society from 2010 to 2024 was turned down with reason that the balance sheet and profit & loss account were supplied before each annual general meeting and (iv) information regarding quantity of sugar taken from Shri Renuka Sugars Ltd. in 2024 for concessional distribution among members was denied by stating that the factory has been leased out to Shri Renuka Sugars Ltd and they were not providing requested information. The appellants have sought directions to the respondent society to provide all the requested information vide application dated 09th December 2024 u/s 106 of MSCS Act as also vide application dated 24th April 2024 u/s 106 of MSCS Act as well as vide their applications dated 20th & 26th March 2024 under RTI Act.



9. On perusal of facts and available records, following aspects emerge:



- a) Shri Sukumar A Gadage and Shri Ramesh B. Chougule filed an appeal dated 02nd February 2025 before the Cooperative Ombudsman following the refusal by Deshbhakta Ratnapanna Kumbhar Panchaganga Sahakari Sakhar Karkhana Ltd. to provide information sought by them
- b) The respondent society in their submission during the VC hearing stated that they can provide information on some of the issues raised by the appellants. They were directed to provide the same and give reasons on the points, where they choose not to provide information.
- c) The respondent society vide their letter dated 30th April 2025 provided part information to the appellants and withheld the rest citing third party privileges and factory being under lease to Shri Renuka Sugars Ltd. They have also tried to circumvent providing audit reports to the appellants by equating the same with balance sheet and profit & loss account statements.
- d) Against this refusal to provide information, the appellants have made a representation vide their fresh appeal dated 29th May 2025 in Form VII seeking direction to the society to provide complete information sought by them.
- e) Providing of information is governed by section 106 (1) of MSCS Act, which states that every multi state cooperative society shall provide the information relating to affairs and management of the society to the members of the society and such information shall be confined to the information falling under the disclosure norms specified by the society in its bye-laws. In the instant case, no provision of the bye-laws prohibits the society from providing all the information as sought by the applicants. The stand taken by the society in denying the information seeking coverage under third party privileges, information not being provided by Renuka Sugars Ltd., to whom the factory has been leased out, as also equating the issue of providing audit report to that of providing the balance sheet and profit & loss account statements before every AGM, etc. is not tenable.
- f) The society is the principal owner of all its resources and has the primary responsibility to its members and hence is duty bound to furnish all information available with it and in this case, to seek and make the same available to the members from whichever entity its works or resources have been leased out to.



g) The fact that the information u/s 106 has been sought by members of the society and not by general public should be kept in mind. It also needs to be understood that members do not have direct access to the leased entity and it is the society that has to ensure providing the information to the members.

10. After due consideration of the documents submitted, representations made and the relevant provisions of law, the matter is hereby disposed off as follows:

- i. Deshbhakta Ratnapanna Kumbhar Panchaganga Sahakari Sakhar Karkhana Ltd, Kolhapur should have provided the information in writing to the applicants within 30 days from the date of receipt of application.
- ii. The society has attempted to deny information to the appellants on various grounds as detailed above.
- iii. The respondent society is hereby directed to furnish to the appellants all information as sought by them, within 15 days from the date of issue of this order, which is already available with it or with the entity its works or resources have been leased out to.
- iv. Compliance report to be submitted immediately thereafter.


(Alok Agarwal)
Cooperative Ombudsman


To:

1. Shri Sukumar A Gadage 21/954, Dr Radhakrishnan housing Society, Jawahar Nagar, Ichalkaranj Kolhapur, Maharashtra 416115
2. Shri Ramesh B. Chougule A/P Chichwad (Shahu Mala) Tal Shirohi, Distt. Kolhapur.
3. The Chairman, Deshbhakta Ratnapanna Kumbhar Panchaganga Sahakari Sakhar Karkhana Ltd, Ganganagar Ichalkaranji, Kolhapur - 416116