

File No.: R-11017/07 (26-37)/2025-OMB/CRCS
Office of Cooperative Ombudsman
Ministry of Cooperation
Government of India

9th Floor, Tower-E, World Trade Centre,
Nauroji Nagar, Delhi-110029
27th August 2025

Hearing in the matter of Shri Rakesh Gupta Vs. Central Government Employees Consumer Cooperative Society Ltd. (Kendriya Bhandar), New Delhi before the Cooperative Ombudsman

Shri Rakesh Gupta

Complainant

Central Government Employees Consumer
Cooperative Society Ltd. (Kendriya Bhandar)

Respondent

ORDER

Shri Rakesh Gupta – hereinafter referred to as complainant - has filed complaints before the Cooperative Ombudsman against Central Government Employees Consumer Cooperative Society Ltd. (Kendriya Bhandar), New Delhi as detailed hereunder:

1. Complainant in his complaint dated 01st May 2025 against Central Government Employees Consumer Cooperative Society Ltd. (Kendriya Bhandar) has stated that he vide his notice dated 16th April 2025 under Section 108 of the MSCS Act 2002, has sought copy of recruitment rules for the post of CAO, statement on mode of recruitment of CAO, whether current CAO has been appointed in strict compliance with rules, copies of advertisement, agenda notes, resolutions, minutes of BOD meeting relating to appointment of CAO, copy of resume, other relevant documents etc.
2. Complainant in his complaint dated 11th May 2025 against Central Government Employees Consumer Cooperative Society Ltd. (Kendriya Bhandar) has stated that he vide his notice dated 19th April 2025 under Section 108 of the MSCS Act 2002, has sought certain information regarding quantum of profit earned by sale of Bharat Brand wheat and atta during phase -1, quantum of money yet to be

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recovered from traders/companies to whom wheat was sold illegally, total number of 10 kg Bharat Aata bags sold by retail outlets, quantum of profit earned by sale of rice to traders/ companies during phase -1, quantum of profit earned by Kendriya Bhandar from sale of Bharat rice during phase-1, quantum of money yet to be recovered from traders/ companies to whom rice was sold illegally and total no of 10 kg Bharat rice bags sold etc

3. Complainant in his complaint dated 13th May 2025 against Kendriya Bhandar has stated that he vide his notice dated 03rd May 2025 under Section 108 of the MSCS Act 2002, has sought information regarding initial posting of Shri Sandeep Baba, his appointment letter, date since when he has been working as OSDAdmn, nature of duties of OSD , other assignment to Shri Baba, his vigilance clearance etc, date since when post of secretary is vacant, and efforts made to fill the same, present person looking after the work of secretary, all the drivers, helpers, chowkidars, who have been made in charge of retail outlets, whether these employees were imparted training regarding inventory management, any SOPs for retail operations, whether the society has any authority to assign responsibility to these employees and total number of sanctioned & vacant posts etc.
4. Complainant in his complaint dated 22nd May 2025 against the respondent society has stated that he vide his notice dated 07th May 2025 under Section 108 of the MSCS Act 2002, has sought list of employees recruited or appointed between 01 July 2017 to 31st December 2024, mode of recruitment, qualifications, detail of promotion granted during same period, staff strength, consultants, advisors or retired officials appointed/engaged during the period, details of gifts distributed during Diwali and other festivals during 2021 to 2024, details of expenditure on functions, events and has also asked for certified copies of the minutes of board meetings between 01st January.2020 to 30th April 2025, audit and annual reports for 2019 to 2024 and list of auditors etc.
5. Complainant in his complaint dated 23rd June 2025 against the respondent society has stated that he vide his notice dated 03rd May 2025 under Section 108 of the MSCS Act 2002, has sought certified copy of instructions received from higher authorities mandating the sale of Bharat Brand products to be sold only through digital payments, certified copy of order KB/2024/Bharat/02 dated 01st June 2024, item wise details of Bharat Dal, Atta, Rice sold through digital payment since issuance of directives, details of Bharat Dal, Atta, Rice sold through cash transactions in contravention of the said instructions and detail of action taken, if any, against the officials or employees found to have violated the said directives.



6. Complainant in his complaint dated 05th June 2025 against Kendriya Bhandar has stated that he vide his notice dated 04th May 2025 under Section 108 of the MSCS Act 2002, has sought details of quality parameters & certification standard prescribed by FSSAI, APEDA or other competent authorities for organic pulses being sold under that label, whether these comply prescribed standards, list of suppliers from whom Kendriya Bhandar has procured organic pulses during 2022 to 2025 along with relevant details, whether any third party testing or verification has been conducted. He has also sought copies of minutes of Purchase Committee and Board of Directors meetings, details of any complaints received, copies of agreements/contracts executed with vendors and names of officers & Board of Directors responsible for procurement.
7. Complainant in his complaint dated 02nd July 2025 against the respondent society has stated that he, vide his notice dated 07th June 2025 under Section 108 of the MSCS Act 2002, has sought certified copy of entire file of his complaint dated 03rd December 2023 dealt with by Kendriya Bhandar, explanation for failure of vigilance branch to initiate or conclude action on his complaint for over 17 months, expected time to dispose off his complaint with all relevant details, summary of all similar complaints received by vigilance branch of Kendriya Bhandar during last three years concerning overcharging, profiteering or any other customer exploitation.
8. Complainant in his complaints dated 09th April and 30th July 2025 against the respondent society has stated that he vide his notice dated 26th February 2025 under Section 108 of the MSCS Act 2002, has sought details of action taken against each defaulted firm for defrauding Kendriya Bhandar, copy of final report of the Internal Committee constituted by vigilance section, action taken by CVO on the final report and whether defaulted firms have been blacklisted etc.
9. Complainant in his complaint dated 28th July 2025 against the respondent society has stated that he vide his notice dated 05th June 2025 under Section 108 of the MSCS Act 2002, has sought certified copies of all Sales Bills issued by Kendriya Bhandar to private traders and companies relating to the sale of subsidized wheat allocated under Bharat Atta & Bharat Rice schemes and complete payment records from each private trader against every such sale bill.

A. P. S. Chauhan



10. Complainant in his complaint dated 07th August 2025 against the respondent society has stated that he vide his notice dated 03rd August 2025 under section 108 of the MSCS Act 2002, has sought names, addresses and GSTINs of all private entities to whom Kendriya Bhandar sold wheat under Bharat Atta scheme along with exact quantity sold to each, number of 10 kg Bharat Atta bags each private entity required to manufacture based on wheat supplied to them by Kendriya Bhandar, GST liability arising from the above, actual GST deposited by each private firm and copies of GST returns filed by Kendriya Bhandar and each such private entity from November 2023 to July 2025, details of audit, inspection etc. conducted by Kendriya Bhandar of these private entities to ensure adherence of scheme's terms.
11. Complainant in his complaint dated 09th August 2025 against the respondent society has stated that he vide his notice dated 05th August 2025 under Section 108 of the MSCS Act 2002, has sought names, addresses and GSTINs of all private entities to whom Kendriya Bhandar sold rice under Bharat Rice scheme along with exact quantity sold to each, number of 10 kg Bharat Rice bags each private entity required to manufacture based on rice supplied to them by Kendriya Bhandar, GST liability arising from the above, actual GST deposited by each private firm and copies of GST returns filed by Kendriya Bhandar and each such private entity from February 2024 to July 2025, details of audit, inspection etc. conducted by Kendriya Bhandar of these private entities to ensure adherence of scheme's terms.
12. Shri Rakesh Gupta in his complaints to the Cooperative Ombudsman has informed that the society has refused to provide any information regarding his above requests and in its replies to him, has cited following reasons for not giving the information:
- (i) General Body is the ultimate authority as per section 38 (2) of MSCS Act 2002 and the General Body in its meeting held on 29th September 2024 has unanimously and categorically resolved and directed management that there is no need to reply to his email/ correspondence and there is no need to succumb to his pressure tactics.
 - (ii) To uphold the spirit/sanctity of confidentiality of private, commercial and confidential information cannot be shared to a third party having history of blackmailing and who is habitual of frivolous litigation/complaints against all in the entire organization.



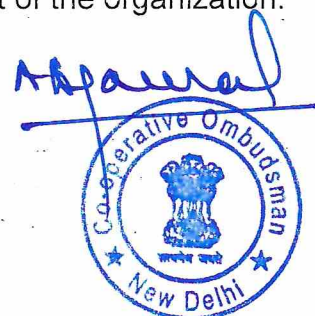
- (iii) In accordance with the Information Technology (Amendment) Act, 2023, no information, personal and commercial, can be given to any person whosoever without the consent of the Data Principal unless it is exempted by the said act.
- (iv) Hon'ble Supreme Court in its judgement, dated 13th November 2019 in Civil Appeal No. 10044 of 2010 has categorically held that personal information of any individual cannot be shared with third party.
- (v) Complainant is a regular employee of government of NCT of Delhi and has been creating nuisance deliberately and interfering in day-to-day affairs of the society with mala fide intentions and ulterior motives..

13. Following the refusal by the respondent society to provide any information/documents to him, complainant has filed complaints before the Cooperative Ombudsman.

14. Notices dated 26th May, 04th & 19th June and 03rd & 18th July, 2025 were issued by the office of the Cooperative Ombudsman to Central Government Employees Consumer Cooperative Society Ltd. (Kendriya Bhandar) seeking its response to the complaint.

15. In response to notices issued by the office of the Cooperative Ombudsman, the respondent society has justified its action for not supplying information to the complainant and has stated following reasons for denying information:

- i. General Body is the ultimate authority as per section 38 (2) of MSCS Act 2002 and the General Body in its meeting held on 29th September 2024 has unanimously and categorically resolved and directed management that there is no need to reply to his email/correspondence and there is no need to succumb to his pressure tactics.
- ii. To uphold the spirit/sanctity of confidentiality of private, commercial and confidential information, the society found no reason to share any information to a third party having history of blackmailing and who is habitual of frivolous litigation/complaints.
- iii. Complainant is a regular employee of government of NCT of Delhi and allowing him inspection/sharing commercial information/secrets of the organization may not be in public interest or interest of the organization.



- iv. The Central Registrar of Cooperative Societies vide order dated 23rd August 2021 had directed the respondent society to allow Shri Rakesh Gupta inspection of the books of accounts, other books & papers containing minutes of the proceedings of General Body meetings. The respondent society vide its letter dated 06th September 2021 and reminder dated 23rd January 2025 had sought clarification from Central Registrar of Cooperative Societies on the issue.
- v. There is no provision under section 108 of the MSCS Act, 2002 to provide information/documents to a supplier or the employee of government of NCT of Delhi.

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



- (i) Complainant has filed a series of complaints against Kendriya Bhandar, wherein he had sought information etc. under section 108 of MSCS Act, 2002. The respondent society has denied to provide the information/documents sought by the complainant on the basis of reasons cited above. Earlier, the society had also taken the stand that the matter is sub-judice before Hon'ble High Court of Delhi, hence information/documents sought by the complainant cannot be provided to him.
- (ii) Hon'ble High Court of Delhi vide its order dated 11th December 2024 restored membership of Shri Rakesh Gupta and vide its order dated 28th April 2025, has also clarified that pendency of his petition would not prevent consideration of any request made by him under section 108 of the Act and such request would be considered on merit in accordance with law.
- (iii) Respondent Society has stonewalled allowing inspection/providing information to the applicant citing various reasons, viz. a resolution of its General Body to deny information to the complainant, reliance on provisions of IT (Amendment) Act, 2023, clarification sought by it from the CRCS regarding latter's order dated 23rd August 2021 directing the society to allow inspection under section 108 of MSCS Act 2002, complainant's alleged association with a supplier firm and his being a regular employee of the government of NCT of Delhi.
- (iv) The contention that General Body is the ultimate authority, which has directed not to reply to the complainant, is not tenable. General Body has to function within the provisions of the MSCS Act, the rules thereunder and the bye-laws and has no authority to take decisions beyond its mandate.




- (v) Respondent society has been challenging the credentials and the motives of the complainant for withholding the information. The complainant has made the request under section 108 of the Act as a member of the society and complainant's credentials have no relevance for denying the information in contravention of the provisions of the Act.
- (vi) Respondent society has sought to deny any and all information as sought under section 108 of the MSCS Act by selective references and seeking recourse to third party privileges. In the process, the provisions contained in the MSCS Act 2002, under which this society is registered and mandated to operate, have been bypassed.

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

- i. As per provisions of Section 108 (1) (iii) and (2) of the MSCS Act, 2002, it is mandatory for a multi-state cooperative society to produce all such books of account and other books and papers etc. for inspection as also to provide information as asked for by the members of the multi state cooperative society.
- ii. Accordingly, Central Government Employees Consumer Cooperative Society Ltd. (Kendriya Bhandar), New Delhi is hereby directed to provide to the complainant information/documents as provided under section 108 (2) of the MSCS Act, 2002 within 15 days from the date of issue of this order.
- iii. Compliance report to be submitted immediately thereafter.


(Alok Agarwal)
Cooperative Ombudsman


Copy to:

- 1. Shri Rakesh Gupta, Sector - 8/1246, R.K. Puram, New Delhi- 110 022
- 2. Chairman, Central Government Employees Consumer Cooperative Society Ltd. (Kendriya Bhandar), E-Wing, First Floor, Pushpa Bhawan, Madangir Road, New Delhi – 110 062

CC to:

NIC with a request to upload on CRCS website