

File No.- M-11027/103/2025-MoC
Government of India
Ministry of Cooperation
(Office of the Appellate Authority and Central Registrar of Cooperative Societies)

9th Floor, Tower 'E', World Trade Centre,
Nauroji Nagar, Safdarjung Enclave,
New Delhi 110029.

IFFCO

Appellant

vs

Shri Nakul Vilasrao Kadu

Respondent

ORDER

(Appeal filed u/s 85A(3) of the Multi State Cooperative Societies Act, 2002)

The present matter arises out of an appeal dated 08.07.2026 filed by Indian Farmers Fertiliser Cooperative Limited (IFFCO) against the Order dated 12.06.2026 passed by the Co-operative Ombudsman in the matter of Shri Nakul Vilasrao Kadu, a member of IFFCO. By the said Order, the Co-operative Ombudsman had directed IFFCO to furnish the information sought by the member within 30 days and submit a compliance report.

2. The appeal was entertained by this Authority under Section 85A(3) of the Multi-State Co-operative Societies Act, 2002 (hereinafter referred to as 'the Act'), read with Rule 30J of the Multi-State Co-operative Societies Rules, 2002. After hearing the parties, this Authority passed an Order dated 09.09.2026, allowing the appeal and setting aside the Order dated 12.06.2026 of the Co-operative Ombudsman.

3. Subsequently, it came to the notice of this Authority that the proceedings before the Co-operative Ombudsman had arisen from an appeal against the refusal of the Co-operative Information Officer of IFFCO to furnish information sought by the member under Section 106 of the Act. Accordingly, a question arose regarding the maintainability of the appeal before this Authority, in view of the provisions of Section 106(4) of the Act, which provides that the decision of the Co-operative Ombudsman in such appeal shall be final and binding.

4. In view of the aforesaid jurisdictional issue, the parties were afforded an opportunity of being heard before taking a final decision regarding withdrawal of the Order dated 09.09.2026. Accordingly, the matter was taken up for hearing on 29.09.2026. During the hearing, learned counsel for IFFCO sought further time to submit objections on the issue of maintainability, which was granted. Thereafter, vide interim Order dated 06.10.2026, IFFCO was permitted to furnish its written objections by 09.10.2026, and the matter was fixed for further hearing on 12.10.2026.

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5. IFFCO submitted its written objections dated 09.10.2026, and the matter was again heard on 12.10.2026.

6. During the proceedings, learned counsel for IFFCO relied upon Section 85A(3) of the Act, which provides that a multi-State co-operative society aggrieved by *any* directions of the Co-operative Ombudsman may file an appeal. It was contended that the said provision confers appellate jurisdiction upon the Central Registrar against directions issued by the Co-operative Ombudsman.

7. The Appellant has further submitted that the Central Registrar has no power to review its own order passed after hearing and has cited order passed on 06/02/2026 by Hon'ble Supreme Court in the matter of Civil Appeal No 7407 of 2012 State of West Bengal & ors. vs Jai Hind Pvt Limited wherein the Hon'ble Supreme Court quashed the review order dated 07.05.2008 passed by the Revenue Officer citing that he did not have power to review as it is not prescribed in the law and thus lacking in jurisdiction.

8. The submissions made by learned counsel for IFFCO have been duly considered. It is observed that Section 85A of the Act deals with redressal of complaints through the Co-operative Ombudsman and provides an appellate remedy under sub-section (3) thereof against directions issued by the Ombudsman in exercise of the jurisdiction contemplated under that section.

9. However, the present matter arises under a distinct statutory framework prescribed under Section 106 of the Act, which deals with the appointment of a Co-operative Information Officer and the furnishing of information relating to the affairs and management of a multi-State co-operative society to its members. Sub-section 106(4) specifically provides for an appeal before the Co-operative Ombudsman against the decision of the Co-operative Information Officer and further stipulates that the decision of the Co-operative Ombudsman in such appeal shall be final and binding. On the other hand, there is a provision of directions by Cooperative Ombudsman under Sub-section 85A(2) on the complaints filed under sub-section 85A(1). Therefore, the provision of appeal under Sub-section 85A(3) has to be read with that Sub-section.

10. Therefore, the appellate remedy provided under Section 85A(3) cannot be construed as extending to decisions of the Co-operative Ombudsman rendered under Section 106(4), particularly when the latter provision expressly provides finality to such decisions. The specific statutory mechanism under Section 106(4) governs appeals concerning refusal to furnish information by the Co-operative Information Officer, and no further departmental appeal before the Central Registrar has been provided under the said section. In light of express provision of finality of order of the Cooperative Ombudsman, the provision of appeal before Central Registrar by aggrieved Society under Section 85A(3) against order of Ombudsman passed does not apply to order passed by him under Section 106(4). Thus the contention of learned Counsel for the appellant is not maintainable.



11. Accordingly, this Authority is of the considered view that the appeal filed by IFFCO against the Order dated 12.06.2026 of the Co-operative Ombudsman was not maintainable before this Authority.

12. On the contention of the Appellant about the jurisdiction of the the Central Registrar about review of its own order passed, it is also a settled principle, which the Hon'ble Supreme Court in the above referred order also has stated while also citing previous judgements that, 'A decree or order passed by a Court which lacks inherent jurisdiction in passing such an order or decree is non-est and void ab initio'. In the instant matter under consideration, the Central Registrar did not have the jurisdiction to pass the order which happened to be passed. Thus the order is deemed non est and void ab initio. In light of this, the issue of jurisdiction to review the said order does not arise.

13. Therefore, it is concluded that the Order dated 09.09.2026 was passed without requisite appellate jurisdiction and cannot be sustained and is hereby withdrawn. Consequently, the appeal filed by IFFCO against the Order dated 12.06.2026 of the Co-operative Ombudsman is dismissed as not maintainable.

14. It is clarified that the present Order is confined to the question of maintainability and jurisdiction and does not constitute a fresh adjudication on the merits of the dispute. The Order dated 12.06.2026 passed by the Co-operative Ombudsman shall accordingly remain operative, subject to remedies, if any, available to the parties in accordance with law.

Ordered accordingly.

Dated: - 23.10.2026



Shiv Pal Singh 23/10/26
(Shiv Pal Singh)

**Appellate Authority and
Central Registrar of Cooperative Societies**

To,

1. The MD, Indian Farmers Fertilizers Cooperative Limited, IFFCO Sadan, C-1, District Centre, Saket Place, New Delhi 110017. Email ID- tarunbhargava@iffco.in
2. Shri Nakul Vilasrao Kadu, A/P: Tisgaon Pravara, Tal: Rahata, Dist: Ahilyanagar, Maharashtra 413712.

Copy to:

1. The Co-operative Ombudsman 9th Floor, Tower 'E', World Trade Centre, Nauroji Nagar, Safdarjung Enclave, New Delhi 110029
2. NIC for uploading on website.