ORDER SHEET
THE PUNJAB INFORMATION COMMISSION
64-Nursery Lane, Near China Chowk, Lahore, Punjab.

Appeal No.19-12-2022-41
Ahmad Naeem
VS
Secretary Model Town Cooperative Housing Society Lahore

Subject: **RTI Complaint (Appeal) Regarding Non-Provision of Public Information under the Punjab Transparency and Right to Information Act 2013**

20.02.2023 Complainant is present in person.

Ch Muhammad Ammar Pasha Learned Legal Advisor is present on behalf of Model Town Cooperative Housing Society Lahore (MTHS).

2. Model Town Housing Society (MTHS) has a large number of Govt Schools/Colleges which fact distinguishes its status from any other Cooperative Housing Society of private entity. In addition a large number of Govt Institutions like DPS School are established in MTHS on leased lands as such the matter of MTHS hardly remains as of a private housing society. There is yet another aspect that the MTHS is governed by Registrar Cooperative Housing Society Punjab through a Secretary appointed by him on permanent basis who is undisputedly a public office holder. We are also mindful of the fact that the issue involved in the RTI Complaint in hand is of great public importance. The complainant seeks disclosure of Policy regarding collection of electricity bills, agreements of electricity distributor and distributions of bills made with LESCO, SOPs settled with LESCO for tariff, total number of houses and electricity meters, total amount collected in lieu of electricity bills with etc. He in-fact desires his satisfaction that the MTHS is enforcing electricity tariff without any inequality or discrimination.

3. On the other hand learned counsel appearing on behalf of respondent relying upon a number of decisions of Commission argues MTHS that is also covered under the definition of "public body" hence not amenable under RTI law.

4. We tend to follow the standpoint of complainant that MTHS, for being situated in the heart of town and for peculiar reasons indicated above, hardly remains a typical private Cooperative Housing Society which are usually situated at the periphery of town with no overlapping developments by public bodies.

5. It shall not be out of place to refer to the word "more" employed in the pre-amble of RTI Act 2013 which suggests that the RTI law may be overstretched in favour of citizens for maximum disclose of information as part of human rights.

6. For what has been discussed we are of unanimous view that the affairs of MTHS are distinguished from an ordinary cooperative housing society as such amenable to RTI law in exercise of fundamental right to information. Consequently this RTI Complaint is allowed and respondent public body is directed to disclose the certified copies of requisite information within 3 working days after receipt of this order.

Announced.

(Mahboob Qadir Shah)
Chief Information Commissioner

(Shaukat Ali)
Information Commissioner

(Dr. Arif Mushtaq Ch)
Information Commissioner