

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1892-2020 (O&M)
Date of decision: 05.09.2025

Ashok Kumar Watts

....Petitioner

Versus

The Punjab State Information Commission and othersRespondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Peeyush Gagneja, Advocate,
for the petitioner.

Dr. Dharminder S Lamba, Addl. A.G., Punjab.

Mr. Prem Kumar, Advocate,
for respondent No.5.

KULDEEP TIWARI, J. (Oral)

1. The petitioner, by way of instant writ petition, under Articles 226/227 of the Constitution of India, has assailed the order dated 12.09.2019 (Annexure P-9), passed by the learned State Information Commission, vide which, statutory appeal preferred by him, has been disposed of.

2. Shorn of the unnecessary details, the undisputed facts of the matter at hand are that, the petitioner had filed an application under the Right to Information Act, 2005 (for short, 'the Act'), seeking a copy of the video recording/CD with respect to the proceedings of open auction held by the Municipal Council, Abohar, on 20.08.2010, though he did not participate therein. However, when he was not supplied the information sought for, he had filed a first appeal before the First Appellate Authority, but to no avail. Thereafter, petitioner filed second appeal before the State Information Commission, which was disposed of, vide

order dated 01.12.2015 (Annexure P-2), observing that since the CD was lost, it could not be provided. However, the Director Local Government, Punjab, was directed to get an enquiry conducted into the matter, and take action against delinquent official. In the interregnum, though, the Public Information Officer, Municipal Council, Abohar, supplied a CD to the petitioner in the year 2019 (Annexure P-4), but the same was not related to the auction concerned. Thereafter, vide communication dated 30.08.2019, the Executive Officer, Municipal Council, Abohar, informed the petitioner that the CD in question was not available in record.

3. Dissatisfied with the order (supra), the petitioner approached the Punjab State Information Commission. During the pendency of the said appeal, the Commission was informed by the Department concerned that on account of loss of CD in question, an enquiry was conducted by the Vigilance Bureau, and a criminal case was also registered against one Jaspal Singh, who was an employee of the Municipal Council, Abohar. Further, a departmental enquiry was also initiated to fix responsibility of the erring officers/officials. Whereafter, even the delinquent officials were charge-sheeted, and the regular inquiry was in progress. In such circumstances, the State Commission closed the proceedings, vide impugned order.

4. This Court has heard rival submissions made by learned counsel for the parties.

5. Before proceeding further, it is expedient to refer to the relevant part of the application submitted by the petitioner, and the same is extracted hereinafter:-

“ Particulars of information Solicited: The Municipal Council Abohar had held auction of commercial plots at different places, through open auction on dated 20.08.2010, at the time of auction, the Municipal Council, Abohar, through its letter no.AME-2851 had got the Video record, a copy of this video recording CD should be provided.”

6. During the course of hearing, learned counsel for the petitioner has specifically drawn the attention of this Court to the interim order passed by a Coordinate Bench on 19.09.2022, vide which, respondent No.5 was directed to bring original record. In response, learned counsel for respondent No.5 submits that, original records have been brought.

7. When confronted with the fact that, when the sought for CD/video recording is unavailable/misplaced, how could the same be supplied to the petitioner, learned counsel for the petitioner failed to satisfy the Court. Moreover, the learned Commission, in its order, specifically recorded that the order dated 01.12.2015 (supra), has been complied, as adequate action has been taken in the matter. Further, once the information sought for, is not available, the SPIO cannot be held liable for it, and therefore, no penalty can be imposed upon him, under Section 20 of the Act. In such circumstances, this Court does not find any reason which warrants interference by this Court in the impugned order. As indicated above, sufficient action has already been taken by the authorities concerned, in the matter. In case, the petitioner requires any other information, he is always at liberty to file apt application under the Act. Further, it is clarified that in the event, the petitioner is of the view

that action is required to be taken against any other officials/officers, he would be at liberty to approach apt authority.

8. With the abovesaid observations, the instant writ petition is **dismissed.**

(KULDEEP TIWARI)
JUDGE

05.09.2025
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No