



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CWP-352-2022 (O&M)

Date of decision: 16.09.2025

Aditi Garg

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Aditi Garg, petitioner in person
(through VC).

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(oral)

CM-19079-CWP-2022

Counter affidavit filed by the petitioner is taken on record.

Application stands disposed of.

CWP-352-2022

1. Through the instant petition challenge is thrown to the order dated 02.09.2020 (Annexure P-4) passed by State Information Commission, Punjab, Chandigarh.
2. The petitioner filed an application under the Right to Information Act, 2005 on 01.04.2019 seeking information related to period from 14.01.2017 to 15.01.2017. The information sought is extracted



hereinafter :

- “1. Attested copies of complaint / docket Form-I along with all annexures and action taken by police on call/complaint made by applicant from Mobile No. 99144-61965 to PCR No. 100 on 14-01-2017 at about 10:30 P.M including name & designation of call taker, names & designations of RCR personnel sent/reached on spot, names & designations of Incharge – ACP-ADCP-Nodal officer & all other concerned officials of Police Control Room.*
- 2. Attested copies of complaint/docket Form-I along with all annexure and action taken by police on call/complaint made by applicant from Mobile No. 99144-61965 to PCR No. 100 on 14-01-2017 at about 11:30 PM including name & designation of call taker, name & designations of RCR personnel sent/reached on spot, names & designation of Incharge-ACP-ADCP-Nodal officer & all other concerned officials of Police Control Room.*
- 3. Attested copy of F.I.R./D.D.R registered on the above mentioned call(s)/complaint(s).*
- 4. Concerned law providing attested copy thereof for action taken on call(s)/complaint(s).*
- 5. Particulars and attested copies of concerned documents of all other call(s)/complaint(s) made by other persons of loudspeaker/music/noise at day/night or 14-01-2017 & 15-01-2017 along with action taken on each call/complaint.*
- 6. Concerned law providing attested copy thereof, in case the information is denied on any ground or any record is claimed not maintained or not available.*
- 7. Name & designations with full official address, mobile, e-mail of PIO/APIO & FAA along with attested copy of concerned office order/notification/other document.*



8. Availability of complete/any part of sought information on internet through official web-site and its access to public along with addresses of concerned web-pages.”

3. The PIO did not respond to the application, and therefore, the petitioner filed an first appeal before the SPAIO, Commissioner of Police, Ludhiana. Once the requisite information was not received in time, she filed a second appeal before the Punjab Information Commission. The Commission disposed of the appeal on the reply submitted by the department concerned, that the information sought is not available, as the contract with HCL Company was over on dated 14.04.2017.

4. Feeling aggrieved by the non-supply of the requisite information, the petitioner approached this Court by filing the instant petition.

5. The petitioner in person, has caused appearance through virtual platform, in person and submitted that it is the duty of the PIO to maintain the record, and also to ensure that record may not be tampered with or is lost. She further submitted that the stand taken by the respondent department to the effect that no such information is available with them, is in fact false, and this defence is deliberately taken as no action has been taken on her call / complaint through telephone. No other argument was raised by the petitioner.

6. On the other hand, Ld. Counsel for respondent-State has submitted that the petitioner is seeking information regarding call and complaint made by her to the police control room on dated 14.01.2017, at



about 10:30 P.M, and 11:30 P.M. He further submitted that the information was sought after two years of the said incident, and as per report of the incharge DCR, Ludhiana, Public Helpline No. 100 was being operated by HCL Company (a Mohali based Company). During the period regarding which the information was sought, the contract of HCL company has expired on 14.04.2017, due to which the server containing data was closed. A letter No. 10230, dated 12.10.2020, was sent to HCL company to obtain record but no response was received thereupon. The another letter bearing No. 4309 dated 20.02.2020 was written to obtain the record but the fait remained the same. Even the incharge DCR himself visited the office of HCL Company at Mohali, however, the office was found closed since last two years.

7. I have heard the submissions made by the petitioner and the counsel for the respondent-State and is of the view that the information which is sought, according to the department is not available with them. The Public Information Officer is not under obligation under the Act of RTI to create any information which is otherwise not available with the department. He is under obligation to supply the information, which are duly covered under the RTI Act. The data through which the information can be extracted, is not available with the department concerned. In the instant case the information was sought after two years of the occurrence. Therefore, the Public Information Officer cannot be held responsible for not supplying any information. Further, it is important to record here as to whether, the information which is provided by the State Government is



correct or not, regarding non-availability of data, is not substantiated by any evidence on record. Therefore, the bald submissions as made by petitioner in person, cannot be taken on its face value. Therefore, this Court find no merit in the instant petition, and does not require any interference to the order passed by the State Information Commission.

8. Accordingly, instant petition stands **dismissed**.
9. Pending application(s), if any, also stands disposed of.

16.09.2025

Satyawan

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether Reportable : *Yes/No*