

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

101

CWP-888-2021 (O&M)

Date of Decision : February 23, 2026

MAHENDER SINGH CHAWLA

-PETITIONER

V/S

STATE OF HARYANA AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gaurav Tyagi, Advocate
for the petitioner.

Mr. Kapil Bansal, D.A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

CM-2594-CWP-2026

1. As prayed for, the application is **allowed** and Annexure P-23 is taken on record.

CWP-888-2021

2. The challenge clothed in the instant writ petition is to the order dated 28.08.2020, passed by the respondent No.2- State Information Commission, whereby the show cause notice issued to the respondent No.3- State Public Information Officer-cum-Deputy Superintendent of Police (HQ), District Panipat, was dropped. Moreover, the petitioner seeks a direction to the respondent No.2 to ensure compliance with its order dated 30.10.2018 by the respondents Nos.3 and 4.

3. Learned counsel for the petitioner contends that, pursuant to applications filed by the petitioner under the Right to Information Act, 2005 (hereinafter referred to as "R.T.I. Act"), seeking information concerning three separate complaints, information pertaining to Sr. Nos.1 and 6 of the

applications was supplied to the petitioner, whereas information pertaining to Sr. Nos.2 to 5 was withheld on the ground of “non-availability on record”. It is contended that the respondent No.2 has failed to ensure compliance with its own order dated 30.10.2018, whereby a categorical direction was issued to furnish complete information to the petitioner.

4. It is further submitted that the respondent No.3 cannot evade responsibility by relying on the non-availability of information that ought to have been maintained on record. If State Public Information Officers, such as the respondent No.3, who are empowered under the R.T.I. Act to provide information, are permitted to adopt such evasive defence of non-availability of information, it would undermine the fundamental purpose of the R.T.I. Act.

5. *Per contra*, learned State counsel submits that all information available on record was duly furnished to the petitioner, and the petitioner was even permitted to inspect the relevant file/record at the office of the respondent No.3. It is further contended that grievances concerning missing official records are outside the scope of the R.T.I. Act and the remedy for such grievances lies elsewhere. Accordingly, the legality of the impugned order cannot be assailed on the grounds canvassed in the writ petition.

6. This Court has heard the submissions advanced by learned counsel for the parties and has also perused the record.

7. Succinctly stated, the following information was sought by the petitioner through applications filed under the R.T.I. Act:-

“Complaint No. 1803 Peshi/2016

1. Provide the certified copy of the original copy of the abovesaid complaint.

- 2. Provide the certified copy of the statements of the victim recorded by the investigation officer regarding the abovesaid complaint.*
- 3. Provide the certified copy of the statements of the witnesses of the victim party recorded by the investigation officer regarding the abovesaid complaint.*
- 4. Provide the certified copy of the statements of the accused recorded by the investigation officer regarding the abovesaid complaint.*
- 5. Provide the certified copy of the statements of the accused party by the investigation officer regarding the abovesaid complaint.*
- 6. Provide the certified copy of the investigation report prepared by the investigation officer regarding the abovesaid complaint.*

Complaint No. 2592 SPR/26.06.2016

- 1. Provide the certified copy of the original copy of the abovesaid complaint.*
- 2. Provide the certified copy of the statements of the victim recorded by the investigation officer regarding the abovesaid complaint.*
- 3. Provide the certified copy of the statements of the witnesses of the victim party recorded by the investigation officer regarding the abovesaid complaint.*
- 4. Provide the certified copy of the statements of the accused recorded by the investigation officer regarding the abovesaid complaint.*
- 5. Provide the certified copy of the statements of the accused party by the investigation officer regarding the abovesaid complaint.*
- 6. Provide the certified copy of the investigation report prepared by the investigation officer regarding the abovesaid complaint.*

Complaint No. 754 Peshi/2016

- 1. Provide the certified copy of the original copy of the abovesaid complaint.*
- 2. Provide the certified copy of the statements of the victim recorded by the investigation officer regarding the abovesaid complaint.*
- 3. Provide the certified copy of the statements of the witnesses of the victim party recorded by the investigation officer regarding the abovesaid complaint.*
- 4. Provide the certified copy of the statements of the accused recorded by the investigation officer regarding the abovesaid*

complaint.

5. Provide the certified copy of the statements of the accused party by the investigation officer regarding the abovesaid complaint.

6. Provide the certified copy of the investigation report prepared by the investigation officer regarding the abovesaid complaint.”

8. There is no wrangle that the information sought at Sr. Nos.1 and 6 of each application was provided to the petitioner, and the petitioner's grievance is confined to the non-supply of information sought at Sr. Nos.2 to 5 of each application. Aggrieved by the non-supply of such information, the petitioner filed appeal(s) before the First Appellate Authority but did not succeed. Consequently, the petitioner filed second appeal(s) before the respondent No.2, which bore fruit. Vide order dated 30.10.2018, the respondent No.2 directed the respondent No.3 to re-visit the record and provide point-wise complete permissible information to the petitioner within 15 days. The relevant portion of the order dated 30.10.2018 reads as under:-

“5. In view of the above findings, the appeals are decided with the following directions:-

i. The SPIO-cum-Deputy Superintendent of Police (HQ), Panipat shall revisit the record and furnish point-wise complete permissible information to the appellant, free of charge, with regard to the three RTI applications within 15 days of the receipt of this order.

ii. The appellant is given an opportunity to inspect the relevant record relating to all the three RTI applications within fifteen days of the receipt of this order by giving two days' notice to the respondent SPIO. Subsequent to inspection, the appellant is free to obtain the identified information free of charge concerning to his RTI applications.

iii. In case the appellant finds any deficiency in the furnished information, he is at liberty to file specific rejoinder with the respondent SPIO, with a copy to the Commission, within fifteen days of the receipt of the information.

iv. The respondent SPIO shall further furnish permissible/available information, on the basis of the records of the respondent public authority to the appellant within fifteen days of the receipt of rejoinder and send compliance report to the Commission latest by 31.12.2018."

9. Armed with the order (*supra*), the petitioner visited the office of the respondent No.3 and was accorded permission to inspect the relevant file/record. Notably, there is no dispute that the information sought by the petitioner at Sr. Nos.2 to 5 of the applications was not present in the relevant file at the time of the petitioner's inspection. Aggrieved thereby, the petitioner once again approached the respondent No.2 for enforcement of the order dated 30.10.2018. In consequence, a show cause notice was issued to the respondent No.3. After considering his explanation that the requisite available information on record had been provided to the petitioner and he had even been granted unrestricted access to the relevant official record/file, the respondent No.2 found the explanation satisfactory, dropped the proceedings initiated by the show cause notice, and closed the matter vide the order 28.08.2020. This order caused pain to the petitioner and propelled him to file the instant writ petition.

10. Before proceeding to gauge the legality of the impugned order, it is apposite to note that this Court is not an executing court with respect to orders passed by the State Information Commission.

11. As regards the non-supply of information sought at Sr. Nos.2 to 5, learned counsel for the petitioner does not dispute, and fairly concedes, that pursuant to directions issued by the State Information Commission, the respondent No.3 provided unrestricted access to the petitioner to the relevant record/file for inspection, but the said information was not found in

the record/file.

12. The principal contention and grievance of the petitioner is that the respondent No.2- State Information Commission ought to have inquired further into how the sought information came to be misplaced or removed from the record, and ought to have fixed responsibility on the erring officer/official. However, this Court finds no merit in this contention, as it falls outside the scope of the R.T.I. Act. The respondent No.3-State Public Information Officer is obligated to provide only information available on record. He is neither required to excavate non-extant information nor to create any information. This Court finds no merit in the petitioner's contention that action should be initiated against the respondent No.3 solely on the ground that the sought information is not available on record. In the event any official record pertaining to the information sought by the petitioner exists, but has been lost, misplaced, or is otherwise unavailable in the file/record, the petitioner is at liberty to pursue the appropriate statutory remedy in the first instance by approaching the appropriate authority/forum to initiate action against the errant official/custodian of the record.

13. In summa, this Court finds no illegality or perversity in the impugned order. Accordingly, the instant writ petition is **dismissed**.

February 23, 2026
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No