

BEFORE THE HON'BLE LOKAYUKTA
Justice Manmohan Sarin
Complaint No. C-1473/Lok/2012

Issues regarding large scale irregularities in issue of PRCs in unauthorized colonies

Present:

1. Sh. Dharam Pal Sharma, Dy. Secretary, Department of UD (UC Cell)
2. Sh. Nagesh kumar, OS, Department of UD, (UC Cell)
3. Sh. Manoj Gautam, Assistant, Department of UD (UC Cell)

Above officers from UC Cell of Department of UD are present and state that they have written letters to GAD, DSIDC and Irrigation and Flood Department for requisition of the record in terms of the order dated 24th July 2012, but they have not received any record in response.

It appears that either the nature of these proceedings has not being understood by the Govt. of NCT of Delhi or there is unwillingness to provide information, which is vital for this inquiry, involving serious allegations, such as tampering of Cabinet Decision and diversion of funds and its expending for ulterior purposes in colonies where, as per the Informant, close associates of Public Functionary had made investments resulting in benefit to them and loss to public exchequer of over 50 crores.

The notice under section 11 of the Act seeking the information and records had been issued on 13th July, 2012, which was served through special messenger. Thereafter on 24th July, 2012, when records were not produced, last opportunity was given for production of the original record for today i.e. 7th August, 2012, namely;

- i) Cabinet Decision No. 1311 dated 20.11.2007 notified vide F.No. 3/32004-GAD/CN-4563-4574 dated 26.07.2007.
- ii) Letter in original bearing No. F. No. 103(31)UC/UD/MLA/2004/Pt.I/7631-7635 dated 25.04.2008, issued by the then Joint Secretary, Unauthorized Colonies Cell, Department of UD, Govt. of NCT of Delhi, quoting the tampered Cabinet Decision.
- iii) Details of quantum and value of works carried out in the aforesaid 11 Colonies of cement concreting of roads and the amounts spent thereon.
- iv) Any other relevant record or file concerning the implementation of the aforesaid Cabinet Decision.

Apart from above, records as mentioned in the notice under section 11 were directed to be produced by the Department of UD.

It was clarified that the aforesaid records in original be produced, including notings for the said approvals by the Minister, if any, failing

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which penal proceedings for non compliance of direction given for furnishing of information and production of documents in terms of Section 11 of the Delhi Lokayukta and Upalokayukta Act, 1995 and Section 175 I.P.C., r/w Section 195 Cr. P.C. would be initiated.

The concerned Dy. Secretary, Office Suptd. and the Assistant are pleading their helplessness. In these circumstances, I consider it appropriate before initiating proceedings under Section 175 I.P.C., r/w Section 195 Cr. P.C. that an opportunity be given to the concerned Pr. Secretaries and Head of Departments to remedy the situation.

In these circumstances, let notice issue in terms of Section 11 of the Delhi Lokayukta and Upalokayukta Act, 1995 to the following to be personally present with the record mentioned below, failing which to show cause why proceedings under section 175 I.P.C., r/w Section 195 Cr. P.C. be not initiated against them, returnable on **16th August, 2012 at 12.30 PM.**

- (1) Pr. Secretary, Department of Urban Development, Govt. of NCT of Delhi &
- (2) Pr. Secretary, GAD, Govt. of NCT of Delhi
 - i) To produce, Cabinet Decision No. 1311 dated 20.11.2007 notified vide F.No. 3/32004-GAD/CN-4563-4574 dated 26.07.2007. ii) Letter in original bearing No. F. No. 103(31)UC/UD/MLA/2004/Pt.I/7631-7635 dated 25.04.2008, issued by the then Joint Secretary, Unauthorized Colonies Cell, Department of UD, Govt. of NCT of Delhi, quoting the tampered Cabinet Decision. iii) Any other relevant record or file concerning the implementation of the aforesaid Cabinet Decision, as available with them or their Ministries or Departments under them.
- (3) Chief Engineer, Flood and Irrigation Department, Govt. of NCT of Delhi
- (4) Chief Engineer, DSIDC
 - To produce record regarding quantum and value of works carried out in respect of cement concreting of roads and the amounts spent thereon in the 11 colonies as mentioned in the letter No. F.1/33/UC/UD/Misc/2012/402-403 dated 27.7.2012, written by Dy. Secretary, UC Cell, Deptt. of UD, Govt. of NCT of Delhi.

Notings and approvals of the above by the Minister, Urban Development, if any.


Justice Manmohan Sarin
Lokayukta

Dated : 07.08.2012

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