

BEFORE THE LOKAYUKTA, DELHI
JUSTICE MANMOHAN SARIN
COMPLAINT NO. C-1733/LOK/2012

In Re:- Complaint of Col. (Retd.) Devender Kumar Sehrawat, Secretary,
Delhi Gramin Samaj, 1 Mahipalpur, Delhi 110037 ... Complainant
Vs.

Sh. Sat Prakash Rana, MLA
R/o 823, V&P.O. Bijwasan, New Delhi ... Respondent

AND

In the matter of :- Complaint for inquiry for misappropriation of funds and
being in possession of assets, disproportionate to the
known sources of income in respect of Sh. Sat Prakash
Rana, MLA.

ORDER

1. This is a complaint by Col. (Retd.) Sh. Devender Kumar Sehrawat, Secretary, Delhi Gramin Samaj, against Sh. Sat Prakash Rana, MLA alleging misappropriation of funds and being in possession of assets disproportionate to his known sources of income. The allegation is that work contract was awarded to DSIIDC for construction of 4.7 KM of road and 9.8 KM of drain in K-Block Mahipal Pur and construction of 3.5 KM of road and 7.50 Km of drain in C-Block Mahipal Pur. Works however were not actually carried out on ground. Allegation being that public money, supposedly spent on these works, has been misappropriated by Respondent and others.
2. The Complainant was called to give better particulars with regard to the allegations made in the complaint and to substantiate them. Simultaneously a notice under section 11 of the Delhi Lokayukta and Uplokayukta Act 1995 was issued calling for record and report from MCD with regard to the works undertaken vide tender No. 488/1071 and 453/1071, their execution and disbursement of the amount to contractors.
3. MCD sent the notice to DSIIDC, who had got these works executed. A report was received from DSIIDC. As per this report, inspection was carried out by M/s. Shriram Institute of Industrial Research and their report was obtained. Notice under section 11 of the Act was also issued to DSIIDC. In response thereto,

DSI IDC submitted a report dated 9.4.2013 stating that the works pertaining to the above said tenders were completed in the year 2008 and the payment was released after due execution of the works. DSI IDC also forwarded the report from Shriram Institute of Industrial Research, who had been assigned the task of carrying out inspection of works and report with regard to the allegation of non execution of the awarded works as also with regard to its quality. Report of Shriram Institute of Industrial Research pointed out that certain portions of the road, where cement concreting was required to be done were devoid of it. Further, in some portions Kharanjas were laid instead of bituminous road or cement concreting.

4. Further explanation was called from DSI IDC following the report of Shriram Institute of Industrial Research. Their explanation was also considered during the preliminary enquiry. DSI IDC explained the report of Shriram Institute of Industrial Research by pointing out that life of bituminous road was 3 years and life of road of cement concreting was 5 years for unauthorised colonies. The said periods had expired. As such it cannot be regarded as non execution of the works particularly when the inspection was carried out in December 2012, which was almost after the expiry of the life of bituminous road and cement concreting. There was thus no deficiency in the works carried out. As regards the missing roads, it was informed that no part of total awarded road was missing since Shriram Institute of Industrial Research has found that the total length of the road was more than the length of the road for which tenders were awarded.

Further as regards the complaint against Sh. Sat Prakash Rana is concerned, it has been ascertained that the works were not carried out during his tenure as MLA and the same were carried out during the tenure of Ex-MLA Sh. Vijay Singh Lochav, who had duly certified the works as satisfactory. Accordingly Sh. Sat Prakash Rana cannot be fastened with any liability for any illegality or for misappropriation of funds when works were not carried out in his tenure.

5. In above view of the matter, Complainant was asked to explain as to how the present MLA Sh. Sat Prakash Rana can be held responsible for alleged non

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execution of the works and alleged misappropriation of the funds of the works awarded during the tenure of Sh. Vijay Singh Lochav, Ex-MLA.

6. Coming to the allegation in the complaint that Sh. Sat Prakash Rana was in possession of assets disproportionate to his known sources of income. The bald allegation is that assets of Sh. Sat Prakash Rana has increased manifold during his two tenures as MLA, the increase is disproportionate to declared and known sources of income. It is requested that Income tax returns filed by the individual, bank accounts and assets be checked. On the basis of such bald allegations, a roving enquiry cannot be conducted and is not justified. Complainant was asked to give better particulars with regard to this allegation of disproportionate assets but the Complainant, despite number of notices from this office, has neither responded nor furnished better particulars or material to make out even a prima facie case for enquiry.
7. Notice was again issued to the Complainant Col. (Retd.) Devender Kumar Sehrawat, from this office on 16.9.2013 asking him to visit this office either personally or through some authorised representative alongwith necessary particulars and material in support of his complaint, within 15 days of the receipt of the notice with stipulation that in case he fails to respond, preliminary enquiry would be closed.
8. Complainant has not responded to the said notice dated 16.9.2013 till date, thus failed to substantiate the allegations made in the complaint.
9. Accordingly, preliminary enquiry in this matter is closed.


(Justice Manmohan Sarin)

Lokayukta, Delhi

25/11 October, 2013