

BEFORE THE HON'BLE LOKAYUKTA
Justice Manmohan Sarin

Complaint No. C-2254/Lok/2013

RE : Inquiry under Section 7 read with section 2 (i) (b) of the Delhi Lokayukta and Upalokayukta Act, 1995 into the allegations by Sh. Sat Prakash Rana, MLA, Complainant against Smt. Shiela Dikshit, Chief Minister, Respondent.

In the matter of :-

Sh. Sat Prakash Rana, MLA

Complainant

Vs.

Smt. Shiela Dikshit, Chief Minister

Respondent

Present :-

1. Ms. Zubeda Begum, Advocate, Standing Counsel for Govt. of Delhi.
2. Sh. Dharam Pal, AD (Planning) UD Department

ORDER

Complainant Sh. Sat Prakash Rana, an elected BJP MLA from village Bijwasan vide communications dated 24.07.2013 & 29.07.2013 accused the Respondent Ms. Shiela Dikshit, Chief Minister, Delhi of discrimination in not releasing funds for construction of Rail Over Bridge in his Brijwasan constituency due to political reasons. He alleged that as a result of non release of funds Najafgarh – Kapashera road is blocked causing immense inconvenience and harassment to the residents.

MS

Complainant alleged hostile discrimination and intentional withholding of funds since a similar ROB being built in Sewa Nagar adjacent to the Chief Minister's constituency was duly completed with release of funds. Complainant claims that the project was initially estimated as Rs. 66 crores but delay in completion of the project and delay in acquisition of the complete land for the project to be done by the Govt. of Delhi. It is alleged that delay in release of funds and acquisition resulted in cost escalation from Rs. 66 crores to Rs. 132.70 crores. The project was to be executed by MCD (West Zone) with funds provided by the Govt. of Delhi and the Railways. It should have been completed in December 2011. It was alleged that non release of funds was on account of hostile political discrimination which was contrary to the norms of integrity and conduct.

Prior to issuance of notice, it was considered appropriate by this forum to call for records ascertaining the reasons recorded for non release of funds or impediments, if any in execution of the project. Notices were issued accordingly to (i) Pr. Secretary (UD) and (ii) Pr. Secretary (Finance) of GNCTD, to make the records available in relation to grant and sanction of funds for the project titled "Construction of approaches of Road Over Bridge and RUB/Underpass at Railway Level Crossing Najafgarh Bijwasan Road at Bijwasan" returnable on 27.08.2013 at 2.30 P.M.

During the course of proceedings, Joint Director (Planning) UD Department submitted that from 2006-07 to 2011-12 total amount of Rs. 240 crores had been released by Govt. of NCT. It was also stated that the file was before Finance Department for being placed before the Council of Ministers for sanction in this case. Complainant had submitted that clearance from Respondent Chief Minister was awaited since March, 2013 when budgetary provisions had not lapsed, but was with-held.

Complainant had also knocked at the doors of Public Grievances Commission. The said Commission had been giving directions from time to time.

MS

The Public Grievance Commission was constrained in its order dated 21.08.2013 to direct that the officers should ensure that the acquisition of small piece of land is notified by 06.09.2013, failing which the Commission would be constrained to hold that there was a conspiracy or vested interests against the interest of public and Government revenue and refer the matter to the CBI for investigation.

Reply was filed by the UD Department in which they refuted any delay on the part of the Delhi Govt. It was stated that the cost was to be shared by Govt. of NCT and Railways. It was claimed that MCD was even reporting unutilized and unspent amounts. The delay in execution was by MCD. It was claimed that request for acquisition of lands was being made in a piecemeal manner, which led to the delay. It was alleged that MCD had delayed deposit of the compensation amount. MCD asked for acquisition of additional land to complete the road alignment. In the instant case, approval of the Cabinet for the revised cost was required.

There were other objections sought to be raised by the UD Department. It was emphasized in order dated 27.09.2013 that UD Department had been asked to produce records as custodian of record, it was not for them to comment on the maintainability or otherwise of the complaint. Notice had not even been issued to the Respondent Chief Minister, as yet.

Counsel for UD Department has filed on 21.10.2013 a Status Report dated 15.10.2013 stating that on 25.09.2013 Cabinet gave its approval and sanction of the L.G has also been given in terms of which South Delhi Municipal Corporation has received Rs. 15 crores and the said amount has been released on 10.10.2013.

In these circumstances, it is not necessary to go into the question of the alleged delays or otherwise and the party responsible there for. Complainant concurs with the same.

I am happy to record that as a result of the persuasion by orders and directions given by this forum and the Public Grievance Commission, it resulted in expediting release of direly needed funds for the delayed project being sanctioned and released.

This is one of the few cases where the Govt. of NCT has responded positively and enabled the Lokayukta to be an ally in promoting good governance in a positive manner. **With the release of funds, the public purpose has been achieved. Complainant concurs in not proceeding with the complaint, which stands dismissed.**


(Justice Manmohan Sarin)
Lokayukta

Dated : 25.10.2013

r.a