

COMPLAINT CASE NO. 2 OF 2020

01.10.2020

Perused the note dated 01.10.2020 prepared by Deputy Registrar, Manipur Lokayukta. We have also carefully examined the complaint filed by one Shri Thiyam Nirosch Singh against (i) N. Sarat Singh, Chief Engineer (Power), (ii) Ng. Subhachandra Singh, General manager, Transmission, (iii) L. Lupho, Deputy General Manager, Transmission Division No. III, Lamphel and (iv) M/s Shyama Power (India) Pvt. Ltd., 15 & 16 Hartron Complex, Electronics City, Sector – 18 (Part), Gurgaon – 122015 Haryana (India), on such examination, it appears that the complaint is in proper form and also bears a Court Fee Stamp of Rupees Five and the complainant has deposited a sum of Rs. 1000/- by way of Indian Postal Order (IPO).

2. It is alleged in the complaint that the erstwhile Chief Engineer (Power), Electricity Department, Government of Manipur had issued a work order being No. 4/67/33-Sub/TK/Chak/09-ED(PURCH)/Pt/6438-50 dated 25th September, 2009 to M/s Shyama Power (India) Pvt. Ltd., 15 & 16, Harton Complex, Electronics City, Sector – 18 (Part), Gurgaon – 122 015, Haryana (India) for construction of 2 x 1MVA, 33/11KV Sub-Station at Chakpi Karong along with the associated 33 KV Line and related Civil Works on Turn-Key basis under NLCPR. The said office of the Electricity Department, Government of Manipur is now known as Manipur State Power Company Ltd. (MSPCL). Copy of the said work order is also annexed in the present complaint. The scope of work mentioned in the said work order i.e. (1) Line portion, (2) Sub-Station Portion and (3) Civil Works are reproduced herein below :

“2 Scope of Work

2.1: Details of Scope of Work:

A) LINE PORTION.

i) Survey & Design of the new 33KV Single Circuit Line of 45.00 Km on swaged Type, Steel Tubular Poles with ACSR (Raccoon) Conductor.

ii) Design, Fabrication/manufacture, inspection at manufactures works before dispatch, testing supply, transportation to site (inclusive of transit insurance charges) , receipt, storage, preservation & conservation &

handling at site of all the materials required for erection, testing & commissioning of the new 33KV Single Circuit Line.

ii) Erection, testing & commissioning of the new 33KV Single Circuit Line. Pole Muffing & painting of r each and every Pole should also be a part of the Erection Works for the Line Portion.

B) SUB-STATION PORTION.

i) Design of the new 2x1MVA, 33/121Kv Sub-Station with proper Layout for the Switchyard, incomer Line bay, Transformer bay, Control Room Building, Boundary Fencing & Gate, Switchyard Fencing, Staff & Chowkidar Quarters, and illumination Light Points etc.

ii) Design, Fabrication/manufacture, inspection at manufactures works before despatch, testing, supply, transportation to site (inclusive of transit insurance charges), receipt, storage, preservation & conservation & handling at site of all the Equipment & materials of the new 33/KV Sub-Station at CHAKPI KARONG.

iii) Erection, testing & commissioning of the new 33/11KV Sub-Station at CHAKPI KARONG in Chandel District.

C) CIVIL WORKS

Design and Construction of a) various foundations (PCC/RCC) for the Switchyard & Equipment Structure for the Sub-Station, b) Control Room Building with sufficient ventilation for the battery Room, tile flooring for the Battery Room, sufficient Nos. of Wooden Doors, windows, of Exhaust Fans and Iron Shutters, c) Compound Fencings with Wire Netting of GI Wire of No.8 SWG on MS Angle Iron (75x75x8mm) Post, 2.5 Mtr. Tall above Ground level with sufficient depth inside ground (0.75Mtr), d)Switch yard fencing with GI Wire Netting (with No.8 SWG GI Wires) on MS Angle Iron (65x65x6mm) Post, 2.0 Mtr tall above Ground Level with sufficient depth inside ground (0.75Mtr) & e) MS Compound Gate with RCC post.”

3. On perusal of the work order, it is clear that the line portion is for survey and design for the new 33KV Single Circuit line of 45.00 km on swaged Type, Steel Tubular Poles with ACSR (Raccoon) Conductor. It is also alleged in the present complaint and also supported by the material evidences that the company

had executed the work of only 4.00 km of new 33 KV Single Circuit Line of 45.00 km; and the Respondents in collusion with the company had already paid a sum of Rs. 4,26,82,165/- to the company. But the total contract price for the said works i.e. (a) Line Portion, (b) Sub-Station Portion and (c) Civil Works was only Rs. 9,45,80,605/-. It is also further alleged that after the payment of Rs. 4,26,82,165/-, it would not be possible to complete the said works with the remaining amount of money.

4. It is also alleged in the complaint that 2 (two) Power Transformers had not been supplied and also the civil portion and Sub-Station portion of the works had not yet completed. It is also alleged that the running bills which had already been paid are not commensurate with the works executed by the company. However, the payment was made to the company because of the collusive action of the respondents with the company.

5. The present complaint is also annexed with one CD drive which contain a news item of the Local channel i.e. ISTV Network regarding the execution of the contract works. On witnessing the said CD, it appears that there are some allegations that the respondents had not properly executed the contract work as per the specification and terms and conditions mentioned in the work orders as well as the contract agreement.

6. For the foregoing reasons, we are of the considered view that there is material for directing the Director of Inquiry, Manipur Lokayukta to conduct a Preliminary Inquiry to find out as to whether prima facie materials had been make out for investigation and also for further proceeding or not. Accordingly, we direct the Inquiry Wing of Manipur Lokayukta to conduct a Preliminary Inquiry and submit the report within the period provided under Section 20 (1) of the Manipur Lokayukta Act, 2014 and Manipur Lokayukta Rules, 2018.

7. It is also made clear that the Director (Inquiry), Manipur Lokayukta and his team while conducting the Preliminary Inquiry shall keep in view their powers and jurisdiction as provided under Sub-section (1), Sub-section (2), Sub-Section (4), Sub-section (5) and Sub-section (9) of Section 20; Section 21; Section 22; Section 26; Section 28 (2); Section 29; Section 32; Section 36 and other provision of Manipur Lokayukta Act, 2014.

8. Deputy Registrar, Manipur is directed to furnish a copy of this order and other relevant documents to the Director (Inquiry), Manipur Lokayukta within 3 days' time.

9. Await report from the Director (Inquiry), Manipur Lokayukta.

Sd/-

Sd/-

MEMBER

CHAIRPERSON