

**BEFORE
MANIPUR LOKAYUKTA**

3rd Floor, Directorate Complex, 2nd M.R., North AOC, Imphal

COMPLAINT CASE NO. 2 OF 2020

In the matter between:

Mr. Shri Thiyam Nirosch Singh S/o Thiyam Ningthemjao of Chingamakha Meisnam Leikai, P.O. & P.S. Singjamei, Imphal West District, Manipur-795008.

... Complainant

1. ~~Shri. Ch. Biramani Singh, Chief Engineer (Power) now retired.~~ (Dropped vide order dated 14.12.2021).
2. Shri. N. Sarat Singh, the then Chief Engineer (Power) now re-engaged as Managing Director, MSPCL.
3. Shri. Th. Kaminimohon Singh, the then EE/Transmission Construction Div. No. I (now re-engaged as General Manager, MSPCL).
4. Shri. M. Budhachandra Sharma, the then EE/Sub-Station Construction Div. No. II (now re-engaged as General Manager, (MSPCL).
5. Smt. Lucy Haokip, General Manager (Finance & Accounts), MSPCL.
6. Shri Ranendra Nandeibam, General Manager (Finance & Accounts), MSPCL.
7. Shri. Thokchom Bimol Singh, DGM/Sub-Station Division No. III, MSPCL.

8. Shri A. Rajendra Sharma, the then AE/Lokchao Sub-station (now re-engaged as DGM/transmission Div. No. III, MSPCL).
9. Shri Y. Chandramani Singh, the then AE Sub-Station Sub-Division No. III (now retired).
10. Shri Gurumayum Tapan Kumar Sharma, Manager (Electrical), MSPCL, SDD- III.
11. Shri Lunkholal Lupho, Manager, Sub-Division XI, TD-III.
12. Shri O. Yaiskul Singh, the then S.O. Transmission construction Div. No. I (now retired).
13. M/s Shyama Power (India) Pvt. Ltd. 15 & 16, Harton Complex, Electronic City, Sector – 18 (part) Gurgaon – 122015, Haryana (India).

..... Respondents/Opposite Parties

BEFORE

Mr. Justice T. Nandakumar Singh, Hon'ble Chairperson
Mr. Ameising Luikham, Hon'ble Member

For the Complainant : In Person
Special Power of Attorney,
Shri Sarangthem Manihar Singh

For the Respondents: Mr. O. Bijoychandra, Sr. Advocate,
Mr. A. Jankinath Sharma, Advocate
- for Respondent Nos. 1.

Mr. H. Ishwarlal Singh, Sr. Advocate
Mr. P. Tomba, Advocate
Mrs. W. Ronabati Devi, Advocate
Mr. Sh. Poireiton Meitei, Advocate
- for Respondent No. 2,,4,7,9 and 10.

Mr. N. Jotendro Singh, Sr. Advocate

Mr. Syed Murtaza Ahmed, Advocate
- for Respondent Nos. 3,8,11 & 12.

Mr. Y Nimolchand Singh, Sr. Advocate
Mr. U. Augusta, Advocate
Mr. L. Raju, Advocate
- for Respondent Nos. 5 & 6.

Mr. M. Hemchandra , Sr. Advocate
Mr. Th. Rohitkumar, Advocate
Mr. Juno Rahman, Advocate
Mr. Ajman Hussain, Advocate
Mrs. Rinika Maibam, Advocate
- for Respondent No. 13.

DATE OF ORDER : 07.02.2022

JUDGMENT AND ORDER

[1] Heard the Special Power of Attorney Holder of the Complainant, Shri Sarangthem Manihar Singh; Shri H. Ishwarlal Singh, learned senior counsel assisted by Shri P. Tomba Singh, Advocate on behalf of Respondent Nos. 2, 4, 7, 9 and 10; Shri N. Jotendro Singh, learned senior counsel assisted by Mr. Syed Murtaza Ahmed, Advocate on behalf of Respondent Nos. 3, 8, 11 and 12; Shri Nimolchand Singh, learned senior counsel assisted by Shri U. Augusta, Advocate on behalf of Respondent Nos. 5 and 6 and Shri M. Hemchandra Singh, learned senior counsel assisted by Shri Th. Rohitkumar Singh, Advocate on behalf of Respondent No. 13.

[2] By an order dated 14.12.2021, Respondent No. 1, Shri Ch. Biramani Singh, Chief Engineer (Power) now retired was dropped from being one of the respondents in the present case and as such

respondent no. 1 was no longer one of the respondents from 14.12.2021.

[3] The present judgment and order, as provided under Section 20 (3) of the Manipur Lokayukta Act, 2014, is only for deciding as to whether there exists a *prima facie* case and proceed with one or more actions namely : (a) investigation by any agency; (b) initiation of the departmental proceedings or any other appropriate action against the concerned public servants by the competent authority; and (c) closure of the proceedings against the public servant and to proceed against the complainant under section 47. Such being the situation, we are not making any final decision in any of the points which are being discussed in the course of the present judgment and order. However, we are expressing our considered views taking into consideration of the Preliminary Inquiry Report dated 09.07.2021 submitted by the Inquiry Officer, written comment of the complainant, written comments of the respondents to the finding(s) of the preliminary inquiry against the respondents in the Preliminary Inquiry Report as well as the comment of the competent authority as provided under section 20 (2) of the Manipur Lokayukta Act, 2014 on the allegations made in the complaint basing on the materials, information and documents collected during the preliminary inquiry and also the oral submissions of the parties at length, on the finding(s) of the Inquiry Officer to the allegations and assertions contained in the complaint filed by the complainant against the respondents. We also have taken extreme care so that the complainant and the respondents would have ample opportunity to put up their case before us. Since the present

judgment and order is not the final judgment and order for the offences alleged to have been committed by the respondents, very detailed discussion to the extent as to whether prosecution have proved the prosecution case beyond reasonable doubt against the respondents or not is not required.

[4] After careful perusal of the concise statement of facts on which the allegation is based against the respondents mentioned in the complaint and also the evidences in support of the allegations in form of the documents annexed with the complaint, we passed an order dated 01.10.2020 expressing our considered view that for the reasons mentioned therein that there is material for directing Director (Inquiry), Manipur Lokayukta to conduct a Preliminary Inquiry to find out as to whether prima facie materials have been made out for investigation and also for further proceeding or not. Accordingly, Dy. S.P. of the Inquiry Wing, Manipur Lokayukta under the direction of the Director (Inquiry), Manipur Lokayukta conducted the preliminary inquiry. The concise facts of the complainant, basing on which allegation is made against the respondents for embezzlement of huge amount of public money from the fund for the project, construction of 2 x 1MVA Sub-Station at Chakpi Karong along with the associated 33 KV line (for 45 kms.) and related Civil Work on Turn-Key basis under NLCPR (for short 'present project') by the respondents causing major changes to the project for which they are not authorized and also by doing illegal activities in the name of executing the project, is noted. The work order dated 25.09.2009 for construction of 2 x 1MVA Sub-Station at Chakpi Karong along with the associated 33 KV line and related Civil Work

on Turn-Key basis under NLCPR (present project) was issued to M/s Shyama Power (India) Pvt. Ltd., 15&16, Harton Complex, Electronics City, Sector – 18 (part), Gurgaon – 122 015, Haryana (India) (Respondent No. 13). It is stated that during the course of inquiry the concerned department or the concerned company i.e. Manipur State Power Company Limited (MSPCL) had furnished a good number of documents containing the Measurement Books (MBs), bills and Registers etc. of the present project to the Inquiry Officer and examined some of the Engineers who were involved in the execution of the work i.e. the present project and also the then Chief Engineer (Power), Shri N. Sarat Singh (Managing Director, MSPCL) i.e. Respondent No. 2 and proprietor of M/s Shyama Power (India) Pvt. Ltd. Further, for better understanding of the technical aspect of the project and also for appreciation of the MBs and other documents, a prayer was made by the Director (Inquiry), Manipur Lokayukta for constitution of a technical appraisal team under his application dated 18.11.2020 to the Manipur Lokayukta. After consideration of the said request of the Director (Inquiry) and also the requirement of technical experts for better understanding of the technical aspects of the project, we passed an order dated 19.11.2020 in Misc. Case No. 1 of 2020 (Reference: Complaint Case No. 2 of 2020) to utilize the services of Shri Khamnam Nabakumar Singh, EE, ED-I, PWD, Manipur to assist the Inquiry Officer in assessment of the technical aspects of the works for better and effective inquiry. The joint inspection team comprising of : (1) Thongthang Manlum, DSP, Lokayukta, Manipur and his Escorts, (2) Aribam Rajendra Sharma, DGM, TD-III, MSPCL (the then electricity deptt.), Manipur, (3) Thokchom Bimol Singh, DGM,

TD-III, MSPCL (the ten electricity deptt.), Manipur, (4) Okram Yaikul Singh, retired Manager (the then SO, Lokchao Sub-Division, Electricity Department), (5) Lhunkholal Lupho, Manager, SD-XI, TD-III, MSPCL, Manipur, (6) M. Amitkumar Singh, SO, Electrical Division – I, PWD, Manipur and (7) Shri Khamnam Nabakumar Singh, EE, ED-I PWD, Manipur had inspected the different locations of the present project on several occasions; dates and locations are as follows:

Sl. No.	Date	Locations
1	23-11-2020	Lamphelpat Store, MSPCL.
2	24-11-2020	Heikakpokpi Store near 132/33/11 KV SS, MSPCL.
3	03-12-2020	Chakpikarong 33/11 KV SS & Line site.
4	07-12-2020	Lamphelpat Store, Nighthoukhong 132/33/11 KV SS, MSPCL.
5	30-12-2020	Ningthoukhong 132/33/11 KV, Moirang 33/11 KV & Khengjang 132/33/11 KV SSs, MSPCL.
6	08-12-2020	Chakpikarong 33/11 KV SS, MSPCL.
7	22-12-2020	Lamphelpat Store, MSPCL.
8	9 to 11-03-2021	Lamphelpat Store, MSPCL.
9	12-03-2021	Heikakpokpi Store near 132/33/11 KV SS, MSPCL.

[4.1] The inspection team also submitted a report dated 12.04.2021. The Inquiry Officer in the course of the conducting the preliminary inquiry called the written comment from all the persons who are found involved in committing irregularities in executing the present project and also recorded their statements and the Inquiry Officer also have collected good numbers of documents consisting of 104 documents in total. The Inquiry Officer after completing the preliminary inquiry submitted the Preliminary Inquiry Report, which is voluminous consisting of 4 (four) volumes on 09.07.2021. In para

nos. 45 to 46 of Volume No. 1 of the Preliminary Inquiry Report, it is stated that 12 (twelve) officials of Manipur State Power Company Limited (MSPCL) and one Turn-key firm namely M/s Shyama Power (India) Pvt. Ltd. had committed irregularities and offences punishable under section 7(b)/13 PC Act and 120-B/34 IPC. After perusal of the said Preliminary Inquiry Report, we passed an order dated 12.08.2021 making the said 12 (twelve) officials and the said Turn-Key firm i.e. M/s Shyama Power (India) Pvt. Ltd. as respondents in the present case and directed the Deputy Registrar, Manipur Lokayukta to issue notice to the complainant and the respondents for their appearance before the Manipur Lokayukta on 20.08.2021. On 20.08.2021, the respondents are represented by their respective counsels and we heard the learned counsel appearing on their behalf and directed the Deputy Registrar, Manipur Lokayukta to furnish copies of Preliminary Inquiry Report to the complainant as well as to the respondents. The complainant and the respondents were directed to file their comment, if any, to the Preliminary Inquiry Report for further proceeding. Subsequently, the respondents filed their written comments. On careful perusal of the written comment of all the respondents and preliminary inquiry report, we notice that the Inquiry Officer failed to take proper comment on the basis of the materials, information and documents collected on the allegations made in the complaint from the competent authority. Therefore, for fair procedure, we passed an order dated 12.11.2021 for sending down the preliminary inquiry report to the Inquiry Officer with a clear instruction and direction that the comment should be obtained from the competent authority on the materials, information and documents collected by the

Inquiry Officer on the allegations made in the complaint and submit the report along with the comment of the competent authority within 3 weeks from the date of receipt of the order dated 12.11.2021. In compliance of our order dated 12.11.2021, the Inquiry Officer had obtained the comment from the competent authority and after obtaining the comment, the Inquiry Officer had submitted an Addendum to the Preliminary Inquiry Report of the present case through the Director (Inquiry), Manipur Lokayukta. Vide our order dated 14.12.2021, the said Addendum to the Preliminary Inquiry Report was taken as a part of the Preliminary Inquiry Report submitted by the Inquiry Officer and Deputy Registrar, Manipur Lokayukta was directed to furnish a copy of the comment of the competent authority dated 01.12.2021 to the learned counsel appearing for the respondents as well as to the complainant within 48 hours. The learned counsel appearing for the respondent nos. 2, 4, 7, 9 and 10 submits that the said comment from the competent authority was in their favour.

[5] We have given anxious consideration of our mind to the clear facts of the case against the respondents and the alleged irregularities committed by the respondents as mentioned in the Preliminary Inquiry Report. The fact of the case as revealed in the Preliminary Inquiry Report is briefly recapitulated below. The Electricity Department, Government of Manipur was unbundled into two individuals state owned companies viz. (i) Manipur State Power Company Limited (MSPCL) and (ii) Manipur State Power Distribution Company Limited (MSPDCL) w.e.f. 01.02.2014. The respondent no. 2, Shri N. Sarat Singh was working as Addl. Chief

Engineer (Power), Government of Manipur before 01.05.2009 and as Chief Engineer (Power), Government of Manipur w.e.f. 01.05.2009 and as Managing Director of MSPCL after Electricity Department was unbundled into the said two Power companies w.e.f. 01.02.2014. After his retirement as MD, MSPCL on 28.02.2018, the respondent no. 2 continue to work as Managing Director, MSPCL on contract basis. The Ministry of Development of North Eastern Region gave administrative and financial approval, for assistant from Non-lapsable Central Pool of Resources (NLCPR), of the project i.e. Installation of 2 x 1 MVA, 33 kV Sub-Station along with the associated 33 kV line and related works at Chakpikarong in Chandel, Manipur on 30.03.2009 at a cost of Rs. 554.90 lakh, out of which 90% Admissible Grant amounts to Rs. 499.41 lakh. The terms and conditions for giving the administrative and financial approval for the said project i.e. Installation of 2 x 1 MVA, 33 kV Sub-Station along with the associated 33 kV line and related works at Chakpikarong in Chandel, Manipur are clearly mentioned in the letter dated 30.03.2009 of the Deputy Secretary to the Government of India, Ministry of Development of North Eastern Region, Vigyan Bhawan, Maulana Azad Road, New Delhi – 110011 to the Chief Secretary, Government of Manipur. The said letter is reproduced hereunder :

“By Regd. Post

**No. DoNER/NLP/109/Man/2008
Government of India
Ministry of Development of North Eastern Region
Vigyan Bhawan Annexe, Maulana Azad Road, New Delhi – 110011**

Dated: 30 March 2009

To

Shri Rakesh,
Chief Secretary,
Government of Manipur,
Imphal.

Subject: Administrative and financial approval for Central financial assistance from Non-lapsable Central Pool of Resources (NLCPR) towards the project, "Installation of 2x1 MVA 33 KV Sub-Station along with the associated 33 KV Line & Related works at Chakpikarong in Chandel", Manipur

Sir,

I am directed to convey administrative and financial approval of Government of India for central financial assistance from Non-Lapsable Central Pool of Resources (NLCPR) to the Government of Manipur towards the project, "Installation of 2x1 MVA 33 Kv Sub-Station along with the associated 33 KV Line & Related works at Chakpikarong in Chandel", Manipur of Rs. 499.41 lac, which is 90% of the project cost of Rs.554.90 lac as per break – ups given below:

(Rs.in Lac)

Sl. No.	Items of works	Approved Cost	90% Admissible Grant
1	Erection of 323 KV S/C line with Racco Conductor	319.51	287.56
2	Installation of 33/11 KV 1x2 MVA transformers with associated materials, equipments, structure, etc.	149.95	134.96
3	Civil Component	78.16	70.34
	Sub-Total	547.62	492.86
4	Contingency charges @ 2%	7.28	6.55
	Total	554.90	499.41

2. The approval of Ministry of Development of North Eastern Region (M/o DoNER) is subject to the following conditions:

(i) M/o DoNER would release only 90% of the project cost as Grant in installations to the State Government for implementation/ execution of the project. Balance 10% being loan component, would be authorized by the Ministry of Finance (Plan Finance

Division I) to be raised by the State in consultation with Reserve Bank of India. In the case of the State being fiscally weak and not able to raise loan component from the market, Ministry of Finance would make appropriate arrangement to raise the same and lend to the State.

(ii) Contingency charges may be reimbursement on submission of documents of actual contingent expenditure, excluding cost of establishment, consultancy, agency, T&P and purchase of vehicle, etc.

(iii) The Government of Manipur should follow all codal formalities while executing the project, which includes calling of tenders on competitive basis by giving wide publicity in newspapers, trade journal as well as website etc.

(iv) The State Government should ensure that the tenders are issued within 30 days from the date of issue of this sanction letter. This Ministry may be intimated accordingly.

(v) Transparency should be maintained for selection of contractor for the project.

(vi) The time frame for completion of the project is 24 months. The date of this sanction letter would be reckoned as the date of start of the project. Target date of completion of the project would be 01 March 2011. Time frame is to be followed strictly.

(vii) Keeping in view the target dated, the State Government would firm up the quarterly physical and financial targets and convey them within one month to this Ministry. Thereafter, quarterly report on the physical and financial program of the project shall be furnished to the M/o DoNER within 10 days of close of the quarter.

(viii) The project shall be implemented strictly in time and with the help of PERT and CPM.

(ix) The funds shall be utilized strictly for the purpose for which they are being sanctioned. No diversion of fund is allowed.

(x) Any escalation towards cost of the project has to be borne by the State Government from their own resources.

(xi) The project is not/should not be taken up any other or non-plan schemes of the State or Central Government.

(xii) If the project is unduly delayed without sufficient valid reasons, it would remain open to M/o DoNER to adjust the entire amount so released against some other sanctioned project under NLCPR and close this project under NLCPR scheme.

(xiii) The State Finance Department/Planning Department shall ensure transmission of the released amount to the Department/Implementing Agency concerned within 30 days from the date of release by the Government of India and submit certificate in this behalf within the prescribed time limit to Ministry of Development of North Eastern Region.

(xiv) The State Government shall nominate a nodal officer for the project who would be responsible for timely implementation of the project, within the approved costs. The name and designation of the Nodal Officer with full address along with his contact telephone number would be communicated to this Ministry.

(xv) The State Government shall properly utilized funds and submit utilization certificate on prescribed proforma to Joint Secretary (PKP), Ministry of Development of North Eastern Region, Vigyan Bhawan Annexe, Maulana Azad Road, New Delhi – 110011 within a period of nine months from the date of release. In case the funds are not utilized within the stipulated time, the Planning Department of the State Government should approach the Ministry of Development of North Eastern Region with sound reasoning for revalidation.

(xvi) The State Government shall get the projects inspected on ground at least once in a quarter and submit physical progress report in prescribed proforma within two weeks after the close of the quarter of the year to Joint Secretary (PKP), Ministry of Development of North Eastern Region, Vigyan Bhawan Annexe, Maulana Azad Road, New Delhi – 110011.

(xvii) The State Government would bear all the recurring charges for maintenance of the sub-station.

(xviii) The State Government should neither give any publicity to this project nor should do any inauguration during the current General elections to Lok Sabha, 2009.

3. The release of next and subsequent installation of funds for the project would be governed by the specific clause

mentioned in the NLCPR Guidelines, dated 07.07.2004 and dated 26.02.2007.

4. This sanction issues with the concurrence of the Integrated Finance Division vide their Dy. No. 275/JD(KG)/09, dated 28.03.09.

Yours faithfully
Sd/-
(B.B. Samaddar)
Deputy Secretary to the Government of India
Phone: 011-23022426
Fax: 011-23015360.

Copy to:

1. **The Principal Secretary (Planning), Government of Manipur, Imphal.**
2. **The Secretary (Finance), Government of Manipur, Imphal.**
3. **The Secretary, Electricity Department, Government of Manipur, Imphal.**
4. **Director (SP&A), Central Electricity Authority, Sewa Bhavan, New Delhi.**
5. **The Joint Director, Integrated Finance Division, Ministry of Development of North Eastern Region, Vigyan Bhawan Annexe, New Delhi.**

(B.B. Samaddar)
Deputy Secretary to the Government of India”

[5.1] For the present project under the financial grant of the Central Government under NLCPR i.e. Installation of 2 x 1 MVA, 33 kV Sub-Station along with the associated 33 kV line and related works at Chakpikarong in Chandel, Manipur, a work order dated 25.09.2009 was issued to M/s Shyama Power (India) Pvt. Ltd., 15&16, Harton Complex, Electronics City, Sector – 18 (part), Gurgaon – 122 015, Haryana (India) (Respondent No. 13) by the Respondent No. 2 i.e. Chief Engineer (Power). In the said work

order particulars of the work, specification of the equipment, material to be supplied, consignee and paying authority and performance guarantee are clearly mentioned. For easy reference para 3.1, 8, 11 and 19 of the said work order dated 25.09.2009 are reproduced below :

“3.1 : We agree to pay you the amount given below as the price of the work covered under the scope of work cited above in clause No. 2.

Sl. No.	Particulars of Work	Amount
1	Construction of 2 x 1 MVA, 33/11KV Sub-Station at CHAKPI KARONG in Chandel District along with the associated 33KV Line (45Kms.) and civil works on turn-key basis.	
A)	Line Portion: (45Kms.)	
	1) Supply of Line Materials	50,988,331.80
	2) Erection of Line Material	5,33,000.00
	3) Sub-Total for 33KV Line (1+2) :-	56,325,331.80
	4) LST/WCT @7.2% on Erection price	384,264.00
	5) Service Tax @ 10.3% on Erection Works	549,711.00
	6) Total Value of 33KV Line:- (3+4+5)	57,259,306.80
B)	33/11KV Sub-Station Portion:	
	i) Supply price	23,309,063.80
	ii) Erection Price	4,137,288.00
	iii) Sub – Total (i + ii) :-	27,446,351.80
	iv) LST/WCT @7.2% on erection price	297,884.73
	v) Service Tax @ 10.3% on erection Price:-	426,140.66
	vi) Total of Sub-Station:- (iii + iv + v)	28,170,377.19
C)	Civil Works:-	
	a) Civil Works:-	8,271,396.00
	b) LST/WCT @7.2% on Civil Works:	595,540.51
	c) Service Tax@ 10.3% on 1/3 of Civil Works:	283,984.59

	d) Total of Civil Works. (a+b+c)	9,150,921.10
D)	Total Price inclusive of all Taxes & Charges: =A(6) + B(vi) + C(d)	94,580,605.00

8. PERFORMANCE GUARANTEE.

The materials supplied and works executed should be guaranteed for satisfactory performance for a period of 18 (eighteen) months from the date of supply or 12 (twelve) months from the date of commissioning/use, whichever is later. If any defect is noticed during the specified guarantee period, it shall be rectified/replaced by you free of cost, provided if defects are traced out due to bad materials used/ bad workmanship or faulty design. Defective materials due to transportation, Loading and Unloading should be the responsibility of the Contractor.

11. CONSIGNEE AND PAY AUTHORITY:

11.1 The Executive Engineer, i) Sub-Station Construction Division No. II, Electricity Department, Manipur, Yurembam shall be the Consignee and Paying Authority for the Sub-Station & Civil works and ii) Executive Engineer, Transmission Construction Division No-I shall be the Consignee & Paying Authority for 33 KV Line portion.

19. SPECIFICATION:

19.1: The material to be supplied by you should conform to the relevant Indian standard specifications or the specification issued to you with the Inviting letter No. 4/67/33KV-Sub/TK/09-ED(PURCF)/10-71 dt. 16-05-09 whichever is relevant.

19.2 Makes of the equipment shall as below :

Sl.	Particulars	Make of equipment
1	Galvanized Steel Structures.	Galvanized as per IS Specification on

	a) Switchyard b) Equipment. c) Crossing Gantry/structures	TISCO/SAIL/IISCO make Steel Angles and Channels.
2	33KV, SF6 Gas Circuit Breaker	ABB / CGL/AREVA/SIEMENS
3	33 KV, Motor operated isolator With/without Earth-switch and Insulators.	HIVELM / PEI / ALLIANCE / UNIVERSAL/KRUGG
4	33 KV Potential Transformer.	AE / CGL / EPEC/LAMCO
5	33 KV Current Transformer.	AE / CGL / EPEC/LAMCO
6	30 KV, 10KA Lightning Arrestor	OBLUM/ IGE / ELPRO / WSI / CGL /LAMCO
7	33 KV Feeder Control and Relay Panels. (Electromagnetic Type of Relays)	AREVA/TECHNOCOMMERCE/ VENSON/SIEMENS/ABB
8	Power & Control Cable.	FGI/ INCAB/CCI/POLYCAB/NICCO
9	Insulators.	WSI/BHEL/IEC/ Aditya Birla Insulators BIKANER
10	Hardware Fittings	RASTRAUDYOG/STAR/IAC/ SATYAMONY
11	Battery 24 Volts	CHLORIDE (Plante)/AMARAJA
12	Battery Charge for 24 Volts Battery.	Caldine/pe/chhabi
13	11 KV VCB Panel	AREVA/CGL/BIECCO LAWRIE/ ABB
14	Power Transformer	AREVA/ CGL/BHEL/ KANOHAR/MARSON

[5.2] Consequent to the said work order dated 25.09.2009, the Turn-Key Firm, respondent no. 13 had entered an agreement with the Government.

[6] It is clear from the Preliminary Inquiry Report available with us that Respondent No. 2 (Shri N. Sarat Singh) was the Chief Engineer (Power), Government of Manipur from 30.04.2009 and under the Electricity Department there was an ongoing project for construction of 33 KV line from New Chayang to Joupi via Chakpikarong under RGGVY Scheme in the year 2007 which passes near Chakpikarong village. The respondent no. 2 being the Chief Engineer was a Member in the Tender Committee for the present project. By that time, the said project i.e. construction of 33 KV line from New Chayang to Joupi via Chakpikarong under RGGVY Scheme was going on under the Electricity Department, Government of Manipur of which the Respondent No. 2 was Chief Engineer of the Electricity Department, Govt. of Manipur but respondent no. 2 did not bring to the notice of the Tender Committee nor to the Government that the present project is a duplicate of the said project under RGGVY Scheme. It is clear that on 11.09.2009, 2nd Tender committee in which the Respondent No. 2 was a Member was held in the office chamber of the Principal Secretary, Finance, Government of Manipur and recommended to award the work to M/s Shyama Power (India) Pvt. Ltd., 15&16, Harton Complex, Electronics City, Sector – 18 (part), Gurgaon – 122 015, Haryana (India) by Shri N. Sarat, Chief Engineer (Power) (respondent No. 2). The present work order dated 25.09.2009 was issued when the respondent no. 2 was the Chief Engineer of the

Electricity Department, Govt. of Manipur before unbundling of the same into two power companies i.e. MSPCL and MSPDCL w.e.f. 01.02.2014. Subsequently, respondent no. 2 had issued Addendum work order no. 4/67/33-sub/TK/Chak/09-ED(PURCH)/Pt./849-59 dated 20.03.2014 to M/s Shyama Power (India) Pvt. Ltd., 15&16, Harton Complex, Electronics City, Sector – 18 (part), Gurgaon – 122 015, Haryana (India). The value of the said work as reflected in the sanction letter of the M/o Doner under NLCPR dated 30th March, 2009 has 3 (three) components (p/816 VOI-IV) i.e. (a) erection of 33KV S/c Line with Racocon Conductor for Rs. 319.51 lakh, (b) installation of 33/11 KV 1x2 MVA transformers with associated materials, materials, equipment, structure, etc. for Rs. 149.95 lakh, (c) civil component charges @ 2% Rs. 7.28 lakh (Total approved cost is Rs. 554.90 lakh). However, based on restricted tender, the second Tender Committee held on 11.09.2009 accepted a higher project cost and the work order dated 25.09.2009 was issued with the following costs as follows :

a) **Line Portion (45 Km)**

Total value of 33 KV line portion is
Rs. 5,72,59,306.80/-

b) **33/11KV Sub-Station Portion**

Total value of Sub-station portion is
Rs. 2,81,70,377.19/-

c) **Civil works**

Total value of civil works is Rs. 91,50,921.10/-

[6.1] Total approved cost of the project sanctioned by the Ministry of DONER is Rs. 554.90 lakh, of which the share of centre under NLCPR is Rs. 499.41 lakh being 90% of approved cost and that of the State share being 10% is Rs. 55.49 lakh. The sanction order of M/o DONER states at clause (x) that any escalation towards cost of the project has to be borne by the State government from their own resources. Hence the State share went up effectively from Rs. 55.49 lakh to Rs. 454.91 lakh calculated on the basis of Tender Committee accepted project cost of Rs. 954.32 lakh.

[6.2] The State share, which is to be 10% of the projects cost, went up further to Rs. 654.13 lakh after Public Investment Board (PIB) held on 1.2.2014 approved the revised estimates of Rs. 1153.54 lakh. The length of line portion mentioned in the Note of PIB in February 2014 was still 45 kms and was stated in the PIB Note to be in progress.

[6.3] Against the total project cost of Rs. 554.90 lakh sanctioned by the Gol, the share of centre under NLCPR is Rs. 499.41 lakh being 90% of approved cost and that of the State share being 10% is Rs. 55.49 lakh. However, on account of poor framing of the estimates for the project, the contribution of the State share which should have been just 10% of project cost of Rs. 554.90 lakh i.e. Rs. 55.49 lakh went up to more than 100% i.e. Rs. 654.13 lakh. The project cost also went up from Rs. 554.90 lakh to Rs. 1153.54 lakh. Hence, as per clause (x) of the sanction order of M/o DONER, the State govt had no option but to bear all the

additional burden of escalation and inclusion of new items in the project.

[6.4] The value of work for the Addendum work order dated 20.03.2014 issued after the approval of the revised estimates by the PIB is as follows :

a) **Line Portion (45 Km)**

Total value of 33 KV line portion is

Rs. 5,72,59,306.80/-

b) **33/11KV Sub-Station Portion**

Total value of Sub-station portion is

Rs. 2,81,70,377.19/-

c) **Civil works**

Total value of civil works is Rs. 1.67,73,557.77/-

[6.5] Total value of the work including Labour welfare scheme @ 1%, LST/WCT @ 7.2%, Service Tax @ 10.3% and department charges @ 11.75% is Rs. 11,44,87,425/-

[7] The present project has a line portion of 45 kms. The power department/MSPCL for which respondent no. 2 was the Chief Engineer/MD made a drastic change or major alteration of the present project by shortening the line portion of 45 kms. to only 4 kms. Line in Line out (LILO 2 x 2) by tapping to the existing power line of New Chayang to Joupi via Chakpikarong under RGGVY Scheme. Therefore, the allegation of the complainant is that the Electricity Department had executed the present project having a line portion of 45 kms by shortening to only 4 kms. The major

changes in the project of having a line portion of 45 kms by shortening to 4 kms by the respondent no. 2 in collusion with other respondents is not permissible under the said terms and conditions mentioned in the said letter of the Government of India, Ministry of Development of North Eastern Region dated 30.03.2009 inasmuch as (i) project shall be implemented strictly in time and with the help of PERT and CPM, (ii) funds shall be utilized strictly for the purpose for which they are being sanctioned. No diversion of fund is allowed and (iii) project is not/should not be taken up any other or non-plan schemes of the State or Central Government. The explanation from the side of the respondent no. 2 that he never had the knowledge even if he was the Chief Engineer of the Electricity Department that the project i.e. construction of 33 KV line from New Chayang to Joupi via Chakpikarong under RGGVY Scheme of the Electricity Department for a huge amount of money in the year 2007 which passes near Chakpikarong village. Therefore, in all proceedings, in which the respondent no. 2 was a party for finalization of the present project for which the work order dated 25.09.2009 was issued, construction of 33 KV line from New Chayang to Joupi via Chakpikarong under RGGVY scheme was not brought to the notice of the State Government or the Central Government by the respondent no. 2. The respondent no. 2 further stated that he has lately realized that the present project under the work order dated 25.09.2009 is a duplication of the earlier project under RGGVY scheme. Such explanation of respondent no. 2 is belied by his own General Manager i.e. Respondent no. 3 (Shri Th. Kaminimohon Singh). The respondent no. 3 has stated very clearly that they knew the existence of the said project under RGGVY scheme even

before implementing the present project under the work order dated 25.09.2009 and they decided under respondent no. 2 to strengthen the line portion under the earlier project i.e. RGGVY scheme i.e. construction of 33 KV line from New Chayang to Joupi via Chakpikarong so that the line under the present project for which the work order dated 25.09.2009 had been issued could be tapped. This is evident from the reply from the reply affidavit submitted by the Respondent No. 3 (Shri Th. Kaminimohan Singh) the then EE/Transmission Construction Division No. 1 and now re-engaged as GM-MSPCL wherein at para 2 and 3 of the reply affidavit he states that “the line was to be tapped from existing 33 KV sub-station at New Chayang from 132/33 KV sub-station Kakching which was charged during 1987. So, strengthening of the line was very much required by changing the weak insulators and fastening of stay wires at the weak angle points of the line for proper evacuation of power to the 33 KV line....” It would appear from the reply affidavit dated 13.9.2021 of Respondent No.3 that he was aware by January 2010 or earlier that the line would be shortened from 45 kms to 4 kms LILO and as such strengthening work of existing line charged in 1987 became necessary. For that purpose of unauthorised shortening of line portion from 45 kms to 4 kms by strengthening the line of the earlier project under RGGVY scheme by tapping the line portion of the present project, the respondent no. 3, Shri Th. Kaminimohon Singh, the then EE/transmission Construction Div. No. I (now engaged as General Manager, MSPCL) issued 13 (thirteen) separate supply orders on 05.01.2020 to the local suppliers and the payment was made by diverting the fund of the present project under NLCPR to the local

suppliers Shri W. Manihar on 28.09.2010, who had supplied the items within six days but was paid after eight months.

[8] The materials used by the MSPCL for erection of 4 kms LILO line for tapping from the existing 33 KV line from New Chayang to Joupi via Chakpikarong near Salluk village under RGGVY scheme are as under :

a) S.T Pole	22 nos.
b) ACSR (Raccoon) conductor	12.36 Km
c) Double Pole X-Arm	7 sets
d) Four Pole X-Arm	2 sets
e) Double Pole bracing set	7 sets
f) Four Pole bracing set	2 sets
g) Clamp	54 nos.
h) Disc Insulator 70KN	55 sets
i) GI Pin and Insulator	50 sets
j) Stay sets	6 sets
k) Bolt and Nuts	1 lot

[8.1] The total fund for 33 KV line portion of 45 kms of the present project, funded by Government of India under Non-lapsable Central Pool of Resources (NLCPR) is Rs. 5,72,59,306.80/- The total fund spent for stringing 4 kms by tapping to the existing line i.e. construction of 33 KV line LILO from New Chayang to Joupi via Chakpikarong was Rs. 4,74,82,165/- against the total of Rs. 5,72,59,306.80/- as per work order for line portion of 45 kms. The balance fund available would be only 20 % inasmuch as 80% of the whole fund for the line portion of 45 kms. were spent on stringing of only 4 kms. How it is possible that 80% of the fund

has been utilized for the construction of 4 km line portion only? The respondent no. 2 is not the sole authority to make major changes of the present project, a project which was taken up with the financial assistant from Government of India under Non-lapsable Central Pool of Resources (NLCPR), inasmuch as the Government of India, Ministry of Development of North Eastern Region under its letter dated 30.03.2009 had approved the financial assistance for the present project under certain terms and conditions mentioned in the said letter of the Government of India dated 30.03.2009 which had already been quoted above. The respondent no. 2 cannot take unilateral decision to utilize the fund, the value of the line portion being about 50% of the present project, in violation of the strict terms and conditions stipulated in the sanction order of the Government of India. It is also surprising that the respondent no. 2 not only took the decision for major changes of the present project without the prior approval of the Government of India, Ministry of Development of North Eastern Region but also had not informed the Government of India. Respondent No. 2, it appears, had acted as an authority above the Government of India, Ministry of Development of North Eastern Region and Government of Manipur in taking unilateral decision for the major changes valued at about 50% of the present project.

[9] It is also clear from the record that the present project having 45 kms of line portion was commissioned on 14.08.2017 by shortening the line portion of 45 kms to 4 kms and this unauthorized action of the respondent no. 2 in collusion with other respondents was apprised to the Government of Manipur only on

30.12.2019 while submitting DPR for 33 KV line from Chandel to Joupi via Praolen. This unauthorized action of respondent no. 2 in collusion with other respondents cannot be validated by an authority i.e. State Government which is not the sole authority to decide the major changes of the present project under NLCPR for which the Government of India, Ministry of Development of North Eastern Region had given approval for financial assistant only under clear terms and conditions mentioned in the letter of the Government of India dated 30.03.2009. It is no longer *res integra* that one mistake cannot be validated by another mistake, in other words two mistakes cannot make the thing alright.

[10] Respondent No.3 placed 13 separate supply orders from a local firm (Shri W. Manihar Singh) by breaking up the sanctions to procure all the items within his financial competence. This is in blatant violation of the established Financial Rules and is regarded as splitting of sanction to bring the sanctioned amount of each supply order within his financial competence of below Rs. 50,000/-. Hence, 13 separate sanction order of similar items were all dated 5.1.2010. The total value of 13 supply orders all dated 05.01.2010 is Rs. 6,10,000/- (without taxes). Procurement of extra items i.e. 220 nos. of 70KN disc insulators, 294 nos. of 90 KN disc insulators and 1860 kgs of stay wire amounting to Rs. 6,10,000/- were charged to contingency expenditure of the scheme (P/3 of reply affidavit dated 13.9.2021 of respondent no.3). As per clause (ii) of M/o Doner sanction order dated 30.3.2009 "Contingency charges may be reimbursed on submission of documents of actual contingent expenditure, excluding cost of establishment,

consultant, agency, T & P and purchase of vehicle, etc.”. (P/817 of vol-IV). This fact can be ascertained from documents submitted to M/o DONER at the time of investigation. The relevant MBs wherein RA Bills for 1st to 4th had been entered are missing and pertain to the execution of Line portion. Without the MBs several questions remain unanswered as to the timeline of execution of works, the quantity used, the engineers/officials involved in the passing of bills etc. However, from the 5th RA Bill it appears that the entries were for details of measurement for erection as under (p/174):-

1. Survey and jungle cutting of 4 Kms
2. Erection of D/P of 7 numbers
3. Erection of 4/poles of 2 numbers
4. Stringing of conductors – 4 kms.

[10.1] These entries in the 5th RA Bill, which reproduced entries from the earlier RA Bills/MBs (1st to the 4th RA Bills) indicates that the Power Department was aware as early as 2010 or even before that the line would be shortened to 4 kms when the Respondent No.3 (Shri. Th. Kaminimohan Singh) the then EE/Transmission Construction Division No.1 and now re-engaged as GM-MSPCL placed 13 separate supply order on 5th of January 2010 to strengthen the existing line from where the line was to be tapped from existing 33 KV sub-station at New Chayang (Kakching Khunou. Would it be possible, at any stretch of imagination, that the CE of Power Department/MD of MSPCL who would be working on the basis of several power grid maps could have been unaware of the situation on the ground or was there a larger conspiracy to defraud the government as reduction of line portion from 45 kms to

4 kms (LILO) was appraised to the government only on the 30.12.2019 while submitting DPR for 33 KV line from Chandel to Joupi via Praolen (p/18 of affidavit of respondent no.3). The matter of shortening of line portion from 45 kms to 4 kms (LILO) was not taken up separately for approval of the project sanctioned by M/o DONER but only referred to for utilizing the surplus items supplied for the present project for another project and this indicates that the Managing Director, MSPCL has been working on the notion that he has the powers to make such major changes within his competence. Important to keep in mind that MSPCL started paying from the 6th RA Bill onwards. The earlier payments were made by the Power department (written comments of Respondent No.2).

[11] Respondent no. 8, Shri A. Rajendra Sharma, the then AE/Lokchao Sub-station (now re-engaged as DGM/Transmission Div. No. III, MSPCL) had clearly stated that the missing of the Measurement Books (MBs) had already been informed to his higher authority i.e. respondent no. 3 and he also submitted very clearly that he had informed the missing of the MBs to the Managing Director, respondent no. 2 on 09.11.2020. SOP No. 5/20 (9) of the Standard Operating Procedures for CPWD Works Manual, 2019 read as follows:

“9. Loss of Measurement Books

(i) When a Measurement Book is lost, an FIR is lodged with the police.

(ii) An immediate report of the facts of the case together with an explanation of all parties concerned responsible for the loss should be also be made promptly to the Chief Engineer, who is empowered to sanction the write off of the lost Measurement Books.

In case of theft or loss of a blank Measurement Book, the Superintending Engineer is the competent authority to write off the loss.

(iii) Such losses for write off is reported in the proforma as per Annexure- 33.

(iv) It is also necessary that the measurements in the lost Measurement Book is re-constructed at the earliest.”

[11.1] Section 3 (iii) of the Central Public Works Department Code read as follows :

**“SECTION III – DUTIES OF OFFICERS OF THE
CENTRAL PUBLIC WORKS DEPARTMENT**

A-Chief Engineer

28. The Chief Engineer is responsible to the Ministry of W.H. & S. For the efficient administration and general professional control of Public Works within its jurisdiction, and is its chief professional adviser in all matters connected with them. He will exercise full technical and supervisory control over Additional chief Engineers, the Chief Architect and all other Officers working in the Department.

29. It will be the duty of the Chief Engineer to recommend to the Ministry of W.H. & S. Transfers and postings of Additional Chief Engineers and Superintending Engineers. Transfers of Divisional Officers and of other establishment are within his competence.

30. The Chief Engineer will exercise a concurrent control, with the Audit Officer, over the duties of the officers of the department in connection with the maintenance of the accounts, and will give all legitimate support to the Audit Officer in enforcing strict attention to the regulations concerning the disbursement of money, the custody of stores and the submission of accounts. He will have no authority

over the Audit Officer in regard to audit matters, but will have a claim on him for assistance and advice in matters relating to accounts and finance. He will arrange that the Audit Officer is kept fully cognizant of all proceedings and proposals, to enable the latter to fulfil his functions.

31. The Chief Engineer will prepare, annually, the portion of the budget estimates relating to the works under his control. It will be his duty to administer the grant, and, with this object, to keep a close watch over the progress of the expenditure against it, with a view to seeing that no excess is permitted to occur, and that, if additional funds are necessary, application for the same is made. It will, further, be his duty to see that the grant is fully expended in so far as is consistent with general economy and the prevention of large expenditure in the last month of the year, and that any money that is not likely to be needed during the year is promptly surrendered so as to allow of its appropriation for other purposes by the proper authority.

32. The general supervision and control of the assessment of revenue from irrigation works, and other sources within the limits of his charge, will rest with the Chief Engineer, who will frame the necessary estimates and watch carefully the progress of the realizations during the course of the year.”

[11.2] The respondent no. 2, for the reason known to him, had not taken any steps/actions as required under the CPWD work manual and Central Public Works Department Code and thus he cannot disown the action taken by the respondent no. 3 and respondent no. 4, Shri M. Budhachandra Sharma, the then EE/Sub-station Construction Div. No. II (now re-engaged as General Manager, MSPCL) in issuing the several work orders/supply orders favouring the local supplier/contractor.

Further, the fund of the present project i.e. Installation of 2 x 1 MVA, 33 kV Sub-Station along with the associated 33 kV line and related works at Chakpikarong in Chandel, Manipur under the financial grant of the Central Government under NLCPR had been utilized for payment of the bills for those supply orders with the knowledge of the respondent no. 2.

[12] The local supplies procured by Respondent No. 3 (Shri Th. Kaminimohan Singh) the then EE/Transmission Construction Division No.1 and now re-engaged as GM-MSPCL through 13 separate supply orders all dated 05.01.2010 need to be investigated further. The supplies of the Line portion materials by the TKF (Turn-Key Firm) started from 03.10.2010 and payment was made to local supplier Shri W. Manihar Singh on 28.9.2010 who had supplied the items within 6 days under 13 separate supply orders 8 months back. The Respondent 3 at page 7 of his reply affidavit has stated that the bills were prepared based on physical verification of supplied materials as per specifications given in the work order. This submission was made against the relevant extract of the Preliminary Inquiry Report that the bills for the 1st to the 4th RA were made without any supporting document/documents and three MBs of Transmission Construction Division No.1 were found missing. It is important to note that Respondent No. 3 (Shri Th. Kaminimohan Singh) the then EE/Transmission Construction Division No.1 and now re-engaged as GM-MSPCL was also the Consignee and Paying Authority for 33KV Line portion of this scheme (p/81 of the Work Order and p/98 of the Agreement) and the onus is upon him to ensure documents/registers are available

and the stock tallies with the documents before payments is processed. In other words, being the Consignee all goods/materials are addressed to him and should be received by him. Further, being the Paying Authority, it becomes his responsibility to ensure that all goods received and accompanying documents are in order before it is processed for payment or adjusted against advance payment.

[13] The submission made by Respondent No.3 that documents for supply of line materials were not given to the division office by the TKF or the transport agencies is unacceptable. The Work Order and Agreement states that EE/Transmission Construction Division No.1 shall be the Consignee and Paying Authority for 33KV Line portion. It becomes his duty to check the materials received, ensure maintenance of the requisite registers and make payments for the materials received/supplied. If the stock registers etc. are maintained and kept by the sub-division office and the division office has no records of the stock situation and related documents, it needs to be investigated how the Paying Authority has agreed to make payments for materials received/supplied without reference to any documents/registers. These questions are also relevant regarding passing of bills by the financial officials of power department/MSPCL.

[14] The Turn-Key firm, respondent no. 13, M/s Shyama Power (India) Pvt. Ltd. have to supply 2 (two) power transformers of 33/11kv for the Chakpikarong Sub-station under the present project i.e. Installation of 2 x 1 MVA, 33 kV Sub-Station along with the

associated 33 kV line and related works at Chakpikarong in Chandel, Manipur under work order dated 25.09.2009. In the work order dated 25.09.2009, specification and brand of the power transformers to be supplied are clearly mentioned. As per the work order dated 25.09.2009, brand of the power transformers should be AREVA/CGL/BHEL/KANOHAR/MARSON of Rs.23,32,750/- per transformer. However, respondent no. 2, the then Chief Engineer (Power), now MD, MSPCL vide his letter dated 27.01.2010 had changed the brand of the said two power transformers and allowed the Turn-Key firm to supply the unbranded power transformer without mentioning even the price of the power transformers. Respondent No. 2 had decided to take this decision to change the brand like a feudal lord. There is no record that the branded transformers under the work order dated 25.09.2009 were not available in the market nor the difficulty in the part of the Turn-Key firm i.e. Respondent no. 13 to procure the branded power transformer from the manufacturers. In such case, where is the requirement of changing the brand of power transformer to the unbranded power transformer for the purpose of supplying. It is clear from the record that Respondent No. 2 was a party in all the Tender proceedings for finalization of the tender for issuing the present work order dated 25.09.2009. What is the purpose of mentioning the specification more particularly mentioning the brand of the items to be supplied? Under the said letter dated 27.01.2010 of the respondent no. 2, the Turn-Key firm instead of supplying the genuine power transformer had supplied two East India Udyog Limited Transformers for this present project. The said letter of the Respondent No. 2 dated 27.01.2010 for addition of unbranded

transformers without any reasons in his sweet will is reproduced hereunder :

"No. 4/67/33-Sub/TK/Chak/09-ED(PURCH)/Pt/10,952
GOVERNMENT OF MANIPUR
ELECTRICITY DEPARTMENT

Imphal, dated the 27th Jan, 2010.

To,

M/S SHYAMA POWER (India) Pvt. Ltd.
15&16, Hartron Complex,
Electronics City, Sector – 18(Part),
Guagaon – 122015 Haryana (India)

Sub: Construction of 33/11KV Sub-Station at i) CHAKPI KARONG
ii) HENGLEP iii) SAGOLMANG iv) UKHRUL KHUNJAO v) SEKMAIJIN
& vi) WILLONG along with the associated 33KV Line and related
Civil Works on Turn-Key basis - Change of Vendors thereof.

Ref: i) Work Order No. 4/67/33-Sub/TK/Chak/09-ED(PURCH)
/Pt/6438-50 dated 25-09-2009
ii) Work Order No. 4/68/33-Sub/TK/Heng/09-
ED(PURCH)/Pt/6425-37 dated 25-09-2009
iii) Work Order No. 4/71/33-Sub/TK/Sagol/09-
ED(PURCH)/Pt/6451-63 dated 25.09.2009
iv) Work Order No. 4/70/33-Sub/TK/UKL/09-
ED(PURCH)/Pt/6477-89 dated 25-09-2009
v) Work Order No. 4/69/33-Sub/TK/Sek/09-
Ed(PURCH)/Pt/6464-76 dated 25-09-2009
vi) Work Order No. 4/62/33-Sub/TK/08-09-ED(PURCH)/13,537-49
dated 20-12-2008
vii) Your letter No. SP:ED:GoM:33KV SS:10:040 dated 20-01-2010

Sir,

With reference to above, it is to inform you that you may supply the Transformers from M/S East India Udyog Limited, Ghaziabad in addition to the earlier manufacturers/makes preferred by the Department and mentioned in the orders Nos. cited above as below.

Sl.No.	Equipment/Material	Additional Make/Manufacture	Make of Equipment as per order
1	5MVA, 3.15MVA, 2.5MVA & 1MVA 33/11KV Power Transformers	M/S East India Udyog Limited	AREVA/CGL/BHEL/KANO HAR/MARSON

Yours faithfully
Sd/-
(N. SARAT SINGH)
Chief Engineer (Power)

Endt. No. 4/67/33—Sub/TK/Chak/09-ED(PURCH)/Pt/ dated, the Jan,2010

Copy to:-

1. The Principal Secretary (Power) Government of Manipur for favour of information
2. The Addl. Chief Engineer (Power), Elect. Department, Manipur for information.
3. The Superintending Engineer, Transmission Circle, Electricity Department, Manipur for information.
4. The Executive Engineer, Sub-Station Construction Division No.-I / II Electricity Department for information and necessary action.
5. Concerned File.”

[14.1] From the record, it appears that the date of handing over and taking over of the said two unbranded power transformers keeps on changing in different part of the record, sometimes the date of handing over was 05.12.2016 and sometimes on 05.01.2016. One of the unbranded power transformers became dysfunctional on 20.07.2017 i.e. 24 days before inauguration by the Hon'ble Power Minister. It is an admitted case of all the parties that the 33 KV Sub-station Chakpikarong was inaugurated on 14.08.2017. Dy. General Manager, SSD III under his letter dated Circle), MSPCL dated 22.07.2017 reported the General Manager (Sub-Station that the unbranded 2nd power transformer of 33/11Kv Sub-station Chakpikarong which was test charged on 28.12.2016 at 1400 hours by the Turn-Key firm was dysfunctioned on 20.07.2017 i.e. within the validity period. For easy reference the said letter of Dy. General Manager (SSD-III), MSPCL is reproduced hereunder :

**“MANIPUR STATE POWER COMPANY LIMITED
Office of the Deputy General Manager
Sub-Station Division No. III.
Keishampat Junction, Imphal**

No. 44/2015/SSD-III/Chakpikorong/528

Keisampat, dt. 22/07/2017

To,

The General Manager (Sub-Station Circle),
Manipur State Power Company Limited,
Manipur.

Subject: Report of shutting down of 2nd
1MVA
transformer at Chakpikarong.

Sir,

I am to inform you that 2nd 1MVA Transformer of 33/11KV Sub-Station Chakikarong was test charged on last 28/12/2016 at 14:00hrs by M/s Shyama Power Ltd. Along with SSD-III officials at no. Load. Both transformers were working smoothly and then on 20/07/2017 2nd 1MVA transformer had to be put off at around 13:00 hrs because of heavy and unusual sound. When checked next day the insulation of the Y-phase HV side was measured with the help of megger and found to be on lower side as such treatment of insulation of the y-phase is warranted and required to be removed for repairing. As the Sub-Station is to be inaugurated and loaded any time now, please arrange to issue an available 1MVA Transformer from other schemes for early installation and charging at Chakpikarong Sub-Station.

Yours faithfully,
Sd/-
(TH. BIMOL SINGH)
Deputy General Manager,
SSD-III

Copy to:-

- 1) The Managing Director, MSPCL, for kind information.
- 2) M/s Shyama Power Ltd., Imphal, for kind information.

3) The Manager, SSSD-VIII, for information.

4) File Concerned.”

[14.2] The performance guarantee period of the power transformer under the para 8 of the work order dated 25.09.2009 would be 18 months from the date of supply or 12 months from the date of commission/used whichever is later. The 2nd unbranded power transformer as per the said letter dated 20.07.2017 was charged/used on 28.12.2016 and became dysfunctional on 20.07.2017 which is within 12 months from 28.12.2016 and also 12 months within the date of inauguration on 14.08.2017 (from the date of functioning of the Sub-station).

[15] The respondent no. 2 instead of invoking the performance guarantee clause of the work order i.e. para no. 8 of the work order and performance guarantee clause of the work agreement i.e. clause no. 2.6 for the said defective unbranded transformer, replaced the defective one with an unbranded power transformer.

[16] Respondent No. 4, Shri. M. Budhachandra Sharma, the then EE/Sub-Station Construction Div. No. II (now re-engaged as General Manager, (MSPCL) was the in-charge for construction of 33/11 KV Sub-Station and Civil works of the project. He being the Consignee and Paying Authority must maintain records/documents for supply of materials by the Turn-key firm and transport agency and also failed to produce any documents in this regard. Bills were prepared for supply of materials without any document/documents and payments were made to the Turn-key firm by him without the documents. He had issued 21 (twenty-one) different supply orders

to Shri M. Lokananda Sharma, Proprietor, M/s Universal Iron & Steel Works from the contingency expenditure, which include supply of the following materials :

- (i) 5 nos. of Fire Extinguisher equipments, sand bucket with stand.
- (ii) 2 sets of 33 KV lightening arrestor with accessories of 3 – Phase.
- iii) 90 metres of GI flat earthling, size (50x60mm).
- iv) 1 set of 33 KV 400 A Isolator without earth blade.

[16.1] These materials are to be supplied under work order dated 25.09.2009 by the Turn-key firm i.e. Respondent No. 13. He made the procurements of those items which are to be supplied by the Turn-key firm before construction work of Chakpikarong project by issuing 21 different supply orders to Shri M. Lokananda Sharma, Proprietor, M/s Universal Iron & Steel Works. He paid the bills for supply of the items under his 21 supply orders from the contingency expenditure of the present project. The question is he/MSPCL had taken the work of the of the Turn-key firm i.e. Respondent No. 13 by issuing the said 21 supply orders for the items which are to be supplied under the work order dated 25.09.2009 by the turn-key firm. These are the matters which are required to be investigated especially against the respondent no. 4 (M. Budhachandra Sharma) and his collusive action with other respondents more particularly, respondent no. 2.

[17] It is clear from the Preliminary Inquiry Report that there are several instances of irregularities in supplying the materials

under the work order by the Turn-Key firm, respondent no. 13 and records are not properly maintained and also a good number of materials appeared to have not been supplied and many of the materials are not of the specification mentioned in the Work Order dated 25.09.2009. For easy reference para nos. 10, 11, 12, 13, 14 of the Preliminary Inquiry Report is reproduced hereunder :

“10) On 23.11.2020 visited and inspected the materials stored at Lamphelpat MSPCL office with the technical team and counted the line materials. On 24.11.2020 visited Kakching Sub-Station (Heikakpokpi) with technical team inspected and counted the line materials stored at Kakching Sub-Station. The Team has found that the materials stored at Lamphel and Kakching Sub-Station tallied with the stock and balance register maintained in the office of EE/transmission Construction Div. I.

The inspecting team has also found 3075 nos. of disc insulators stored at Lamphel, MSPCL office (in one set there are 3 nos. of disc insulators fitted with hardware fittings- $3075 \div 3 = 1025$ sets). Out of these 3075 nos. of disc insulators found 2548 nos. of disc insulators of 70 KN and 527 nos. of 120 KN disc insulators ($2548 + 527 = 3075$). The correct disc insulator to be supplied by the turn-key firm as per the work order is of 70 KN. Different manufacturing year are found in the Disc insulators i.e. 120 KN- 1989, 2011 etc. /70 KN-2005, 2006, 2009, 2015 etc. The technical specification and vendor list as per the agreement and work order should be of 70KN make WSI/BHEL/IEC/Aditya Birla Insulators (ABI)/ Bikaners. However, makes of ABIL, AC India, EHEB, GE India, JSI, JSI-NEC and PGI India etc. are found which are not in the vendor list. Manipulation of the insulators is suspected.

Photos are placed at Annexure – Y1 to Y12

11. The Disc insulators of 70KN were supplied by Bikaner Ceramics Private Ltd. for the project and transported by Premier Road Carriers Ltd. on the following dates:-

	Date	Truck No.	Transport Challan No.	No. Of Disc Insulators

a)	30.03.2010	RJ07G0713	039792	1200 nos./70KN
b)	30.03.2010	RJ 07GA 6924	039790	1650 nos.70KN
c)	30.03.2010	RJ 07 GA 9527	39789	390 nos./70KN
Total				3240 Nos.

In one set there are 3 nos. Of Disc insulators with a hardware fitting (3240/3=1080 sets). Out of these 55 sets were used for erection of 4km Lilo line by MSPCL. The consignments were loaded on 30.03.2010 and were received by Shri O.Yaiskul Singh, S.O. in charge stock (now retired) on 30.11.2010 and 30.01.2012 respectively. The materials were received after a gap of 8 (eight) months and 22 (twenty two) months respectively from the date of dispatched. He has also failed to reflect proper entries for receipt and issue of the materials. While issuing the materials signature of the person receiving the materials were not obtained in the stock & balance Register. The Stock and balance register maintained by this division is suspected to be a new register and also the writings/entries made in the register are suspected to be new. The register is suspected to be constructed recently. In view of the above actual receiving of 3240 nos. Of disc insulators of 70 KN is doubtful.

Photo copies of transport challans are placed at Annexure – Z1 to Z3 Photo copies of delivery cum packing lists are placed at Annexure – AA1 to AA3.

Photo copies of guarantee certificates are placed at Annexure – BB1 to BB3.

Photo copies of stock & balance register is already placed at Annexure – J1 to J17.

12. The ACSR Raccoon Conductor were transported by the following transport agencies:-

- a) Jet Roadlines Transport Corporation.
- b) South Eastern Roadways.

The Jet Roadlines Transport Corporation has transported the following ACSR Raccoon Conductor from Howrah:-

Sl. No.	Date	Vehicle No.	Consignment No.
i	14.02.2011	WB23B/9185	561 (18 drums)
ii	15.02.2011	WB15A/5927	562 (18 drums)
iii	19.02.2011	WB23A/9347	577A (7 drums)

The South Eastern Roadways has transported the following ACSR Raccoon Conductor from Roorkee:-

Sl. No.	Date	Vehicle No.	Consignment No.
i	11.01.2010	HR38E/6805	9778651 (7 drums)
ii	12.01.2010	HR38J/8735	9778654 (8 drums)

The MSPCL has utilized 12.36 km Raccoon conductor for erection of 4km Lilo line. The stock in charge Shri O Yaiskul Singh, the then S.O. (now retired) have received the materials on 03.10.2010, 30.11.2010 and 28.02.2011 respectively. The first consignments were loaded on 11.01.2010 and 12.01.2010 respectively from Roorkee. However, Shri O. Yaiskul Singh has received the two consignments about 10 months later from the date of dispatched. He has also failed to reflect proper entries for receipt and issue of the materials in the stock and balance register. Signature of the turn-key firm was not obtained while issuing the materials. The stock and balance register maintained by this division is suspected to be a new register and also the writings/entries made in the register are suspected to be new. The register is suspected to be constructed recently. In view of the above actual receiving of ACSR Raccoon conductor is doubtful.

Photo copy of Stock & balance register is already placed at Annexure – J1 to j17

Photo copies of transport Challans are placed at Annexure – CC1 to CC5

Photo copies of packing list/Challans are placed at Annexure – DD1 to DD5.

13. The S.T. Poles were transported from Kolkatta to Imphal by two transport agencies namely (1) Rhino Transport Corporation and (2) Transking Carrier Pvt. Ltd. The total no. Of ST poles to be supplied by the turn-key firm is 720 nos. Of ST poles.

Rhino Transport Corporation has transported 73 Pcs. Of S.T Pole vide. Consignment note no. 31-1436 dated

30.12.2010 by vehicle no. WB23C/1351 and Transking Carrier Pvt. Ltd. has transport the S.T Poles as follows:-

Sl. No	Date	Vehicle No.	Consignment Note No.	No. Of Poles
i)	23.02.2011	NL 05 D/5729	KOL/01083	75
ii)	24.02.2011	WB23B/7865	KOL/01085	75
iii)	18.03.2011	PB05J/7149	KOL/01218x73	73
iv)	22.03.2011	WB23B/3093	KOL/0227	73
v)	24.03.2011	WB25B/6605	KOL/01257	29
vi)	31.3.2011	NL05D/7163	KOL-01350	72
vii)	31.03.2011	NL05D/5064	KOL-01348	72
)				
Vii i)	31.03.2011	WB37A/7645	KOL-01351	52
ix)	31.03.2011	WB15A/3872	KOL-01347	54
x)	31.03.2011	NL05D/7903	KOL-01349	72

TOTAL -647 poles

The total number of poles transported were (73+647 = 720) poles. Out of 720 poles, 22 nos. of poles were used for erection of 4km Lilo line by MSPCL. On checking of the ST poles stored at Kakching and Lamphel markings of Utkrash and Bansal are found on poles. No vendor list is found in the work order/agreement for supply of S.T. Poles. Make of poles supplied by the turn-key firm are of Utkarsh. The MSPCL has received the poles on 30.11.2010 and 28.02.2011 respectively as per the stock & balance Register maintain in the office of EE/Transmission Construction Div. No. I. It is surprising that office of EE/Transmission Construction Div. No. I. It is surprising that Shri O. Yaiskul, the then S.O. (now retired), the then in charge stock has received the first consignment of 30.12.2010, whereas the first consignments were loaded on 30.12.2010 from Howrah. Receipt of the materials by the Deptt. was completed on 28.02.2011. However, the last consignment were loaded from Howrah on 31.03.2011. Shri O. Yaiskul Singh has failed to reflect proper entries of the materials receipt and issued in the stock and balance register and also failed to obtained signature of the person while issuing the materials. The stock and balance register maintained by this division is suspected to be a new register and also the writings/entries made in the register are suspected to be new. The register is suspected to be constructed recently. In view of the above actual receiving of the poles is doubtful.

Photo copies of transport challans are placed at Annexure – EE1 to EE11.

Photo copies of packing lists are placed at Annexure – FF1 to FF11.

Photo copy of guarantee Certificate are placed at Annexure – GG1 to GG2.

Photo copy of stock & balance register is already placed at Annexure – J1 to J17.

14) The inquiry could not verify the other supply materials for 33 KV line and Sub-station portion of Chakpikarong project, since no document/documents could be furnished by the turn-key firm and the officials of MSPCL during the course of the inquiry.

[18] For the reasons discussed in the foregoing paras, we are of the considered view that there is prima facie evidence against the respondents for committing the offences under section 7(b)/13 PC Act and 120-B/34 IPC. Accordingly, we decide that there is a prima facie case against the respondent for investigation.

[19] It is pertinent to mention that while hearing the present i.e. Case No. 2 of 2020, the Respondent No. 3, Shri Thokchom Kaminimohan Singh and Respondent No. 4, Shri Manoharmayum Budhachandra Sharma filed a joint application for filing a complaint by the Manipur Lokayukta under Section 195 read under section 340 of Cr.P.C against the complainant alleging that the signatures of the complainant, Shri Th. Nirosch Kumar Singh, appearing in the present complaint, verification, attestation of the complainant in the complaint and the affidavit in support of the complaint are forged one for the sole ground that the signatures of the complainant appeared in his application addressed to State Chief Information Commissioner dated 15.01.2019 and also his signature appearing in his application dated 17.11.2018 filed before the Information Officer, Manipur State Power Company Ltd. (MSPCL) are different

from his signature appearing in the present complaint, verification, attestation and affidavit in support of the complaint and also that the signature of the complainant appearing in said RTI applications addressed to the State Chief Information Commissioner, Government of Manipur and Information Officer, Manipur State Power Company Limited (MSPCL) are similar with his signature appearing on the explanation dated 13.09.2021 filed by the complainant in connection with the inquiry report submitted by the Inquiry Officer in the present case. In short, the signature of the complainant appearing in the present complaint, verification, attestation and also affidavit in support of the present case are forged one. Therefore, a complaint of the Lokayukta is required to be filed under section 195 of the Cr.P.C. after conducting an inquiry under section 340 of the Cr.P.C. The said application of the Respondent Nos. 3 and 4 had been registered as Misc. Case No. 11 of 2021 (Ref. Complaint Case No. 2 of 2020).

[20] After receiving the said application on 04.10.2021, the complainant and his Special Power of Attorney Holder, Shri Sarangthem Manihar Singh who were present before us were asked as to whether the signatures of the complainant appearing in the present complaint, verification, attestation and affidavit in support of the complaint are forged one or not and to this the complainant and his Special Power of Attorney Holder clearly stated that the signatures of the complainant appearing in the present complaint, verification, attestation and affidavit in support of the complaint are genuine and in that circumstances on 04.10.2021 we are of the considered view that the said application filed by

Respondent Nos. 3 and 4 will be considered while passing the order for taking decision as to whether there exists a prima facie case for further proceeding.

[21] Being aggrieved by our order dated 04.10.2021, passed in Misc. Case No. 11 of 2021 (Ref.: Complaint Case No. 2 of 2020), respondent nos. 3 and 4 approached the Hon'ble High Court of Manipur by filing Writ Petition (C) 889 of 2021 alleging that Manipur Lokayukta had refused to conduct an inquiry under section 340 of Cr.P.C. on the said application filed by them for filing a complaint of the Manipur Lokayukta under section 195 Cr.P.C. and prayed for a direction to the Registrar (Judicial) of the High Court of Manipur to conduct an inquiry contemplated under section 340 Cr.P.C. on the said application before us. The said WP(C) No. 889 of 2021 was listed before Special Bench/Division Bench presided by Hon'ble Chief Justice, Mr. Sanjay Kumar on 20.12.2021. On the same day i.e. 20.12.2021, Hon'ble High Court of Manipur was pleased to pass an order dismissing the said Writ Petition being no. W.P. (C) No. 889 of 2021 with the following observation :

“The prayer of the petitioners in this case is to direct the Registrar (Judicial) of this Court to conduct an enquiry in terms of Section 340 Cr.P.C. on the basis of the application dated 04.10.2021 filed by them under the said provision before the Hon'ble Lokayukta, Manipur.

This prayer is contrary to Section 340 Cr.P.C. which specifically states that an inquiry can be made thereunder as to the offence, referred to in Section 195(1)(b) Cr. P.C, which appears to have been committed in, or in relation to, a proceeding in that Court or, as the case may be, in respect of a document produced or given in evidence in a proceeding in that Court.

Therefore, such proceedings can only be initiated by the Court before which the proceeding is pending and in relation to which an offence has been committed,

relatable to Section 195(1)(b) Cr. P.C. The prayer in this case is therefore utterly misconceived.

The writ petition is accordingly dismissed.

This order shall however not preclude the petitioners from pursuing their pending application before the Hon'ble Lokayukta, Manipur, in accordance with law.

In the circumstances, there shall be no order as to costs."

[22] After dismissal of the said W.P. (C) No. 889 of 2021 by the High Court of Manipur, the respondent nos. 3 and 4 again requested the Manipur Lokayukta to proceed with the Misc. Case No. 11 of 2021 for filing of the complaint of Manipur Lokayukta under section 195 Cr.P.C. after conducting an inquiry under section 340 Cr.P.C. alleging that the complainant made a false statement in the form of affidavit in support of the complaint and also that his signatures appearing in the present complaint, verification, attestation and affidavit in support of the complaint are forged. In the present misc. case No. 11 of 2021, it is not the case of the complainant that somebody had filed the present complaint i.e. Complaint Case No. 2 of 2020 by forging his signature and it is his clear cut case that the complainant himself filed the present complaint against the respondents by making an statement in a concise form of fact on which allegations is based in the complaint supported by documents. It is important to note that the complainant and the power of attorney have been attending all the judicial proceedings of Lokayukta in person. It is well settled law that mere allegations with incorrect and false statement in the complaint does not make it incumbent on the Court to order prosecution. The Court should order for prosecution by exercising

its judicial discretion in the light of all the relevant circumstances when it determines the question of expediency. The Court should order for prosecution in the larger interest of the administration of justice not to gratify feelings of personal revenge or vindictiveness or to serve the ends of a private party. Regarding this settled position of law, we may refer to the decision of the Apex Court in **Santokh Singh vs. Izhar Hussasin and Anr. AIR 1973 SC 2190.** Relevant portion of para 11 of the AIR in Santokh's case (supra) read as follows :

“11. Every incorrect or false statement does not make it incumbent on the court to order prosecution. The court has to exercise judicial discretion in the light of all the relevant circumstances when it determines the question of expediency. The court orders prosecution in the larger interest of the gratify feelings of personal revenge or vindictiveness or to serve the ends of a private party. Too frequent prosecutions for such offences tend to defeat its very object. It is only in glaring cases of deliberate falsehood where conviction is highly likely that the court should direct prosecution. The High Court seems to have misunderstood the appellant's evidence and has also failed to apply its mind to the question of expediency.”

[22.1] The Apex Court is of the same view in **M.S. Ahlawat vs. State of Haryana and Anr. AIR 2000 SC 168.** Relevant portion of para 5 of the AIR in Ahlawat's case (supra) read as follows :

“5. Provisions of Section 195, Cr.P.C. are mandatory and no Court has jurisdiction to take cognizance of any of the offences mentioned therein unless there is a complaint in writing as required under that Section. It is settled law that every incorrect or false statement does not make it incumbent upon the Court to order prosecution, but to exercise judicial discretion to order prosecution only in the larger interest of the administration of justice.”

[23] Keeping in view of the ratio laid down by the Apex Court in the cases referred above and also the special factual circumstances of the present case, wherein it is not the case of the complainant that somebody had filed the present complaint by forging his signature on the complaint, verification, attestation and affidavit in support of the complaint, and it is only the case of the respondent nos. 3 and 4 that the signatures of the complainant appearing in the complaint, verification, attestation and affidavit in support of the complaint are forged one, we exercising our judicial discretion in the larger interest of the administration of justice not to gratify feelings of personal revenge or vindictiveness or to serve the ends of a private party and also the frequent order for prosecution tends to defeat its very object, decided that the further proceeding of the case should not be stayed on the basis of the said application filed by the respondent nos. 3 and 4. Over and above, the concise statement of the complainant in the form of fact basing on which allegation is made in the complaint supported by documents are found to be substantiated in prima facie by the material evidence in the course of the preliminary inquiry by the Inquiry Officer of the present case and accordingly, submitted the Preliminary Inquiry Report which is now under consideration. Therefore, the pending of Misc. Case No. 11 of 2021 (Ref.: Complaint Case No. 2 of 2020) will not stand in the way of passing the present judgment and order.

[24] It will be beneficial for us to refer to the decision of Apex Court in **Bishna alias Bhiswabed Mahato & Ors. Vs. State of**

West Bengal AIR 206 SC 302). Relevant portion i.e. para 47 of the AIR in Bishna's case (Supra) read as follows:

“47. The First Information Report, it is well settle, need not be encyclopaedia of the events. It is not necessary that all the relevant and irrelevant facts in details should be stated therein.....”

[24.1] The Apex Court in **R. Venkarkrishna vs. Central Bureau of Investigation (2009) 11 SCC 737** held that the Criminal case can be set in motion by anybody. Further, the Apex Court in **Maharashtra vs. Sayed Mohammed Massod and Anr. (2009) 8 SCC 787** held that materials collected during preliminary investigations are relevant for investigation.

[25] In the foregoing discussion, we have already made our considered view that there are enough materials for coming to the decision that there exists prima facie case for investigation. Accordingly, we pass the following orders by invoking our jurisdiction under Sections 20 (3), 28 and 32 of the Manipur Lokayukta Act, 2014 :

- A) To utilise the service of Shri Shrey Vats, IPS (2017(RR) at present SP, Kakching to investigate the present case. Shri Shrey Vats, IPS is directed to investigate the present case by exercising all the power conferred under the Manipur Lokayukta Act, 2014 and relevant Statutes taking the Preliminary Inquiry report of the Inquiry Officer who conducted the Preliminary Inquiry as an

Ejhar for the purpose of registration of the case. For registration of the case, we have decided, for convenience, that the case should be registered at the Crime Branch Police Station, Imphal for the purpose of registration of the present case. The Investigating Officer, Shri Shrey Vats, IPS while conducting the investigation will not be under the supervision of his senior officer of his department or the station where the present case is to be registered. It is also made clear that the Investigating Officer shall conduct the investigation with full co-ordination with the Director (Inquiry), Manipur Lokayukta. Entrusting the investigation of the present case to Shri Shrey Vats, IPS will be in addition to his normal duty wherever he is posted without disturbing his posting and as such entrustment of the present case for investigation will not amount to new transfer and posting.

- B) The Investigating Officer, Shri Shrey Vats, IPS shall take necessary action to complete the investigation of the present case within 6 (six) months from the date of registration of the case at the Crime Branch Police Station, Imphal. It is also made clear that the Investigating Officer while investigating the present case will not be under the supervision of his senior officer of his department or the station where the present case

is to be registered, and it is for the purpose of maintaining the sanctity of Manipur Lokayukta and for not interfering with the proceeding of the case before the Manipur Lokayukta and inquiry and investigation are parts of the proceeding of the case filed before Manipur Lokayukta.

- C) The Director General of Police, Manipur shall ensure the registration of the case at the Crime Branch Police Station, Imphal for the matter indicated above and registration of the present case as indicated above in the Crime Branch Police Station will be done immediately upon receipt of this order; and for registration of the case at the Crime Branch Police Station, Imphal under our order further approval of any authority of the police department or Government of Manipur will not be required. We are passing this order in discharging our statutory duties. The Investigating Officer, Shri Shrey Vats, IPS shall report the registration of the present case at the Crime Branch Police Station to the Manipur Lokayukta through the Director (Inquiry), Manipur Lokayukta without any delay.
- D) In the present case, there is a report of the Inquiry Officer that many documents in relation with the present project i.e. installation of 2 x 1 MVA, 33 kV Sub-Station along with the associated 33 kV

line and related works at Chakpikarong in Chandel, Manipur executed under the work order dated 25.09.2009 are suspected to be manufactured and recently created ones, many of the important documents like Measurement Books (MBs) are missing and also many of the officers under the Respondent No. 2, Shri N. Sarat Singh, Managing Director, MSPCL are suspected to be involved in concealing/misplacing and destroying or manufacturing important documents. In such circumstances, we, for proper investigation and also in the larger interest of public and also for maintaining transparency in the administration by the Government recommend to the State Government not to allow the Respondent No. 2, Shri N. Sarat Singh, Managing Director, Manipur State Power Company Limited (MSPCL) to function as Managing Director, Manipur State Power Company Limited (MSPCL) and entrust the function and duties of the Managing Director, Manipur State Power Company Limited (MSPCL) to an official deem appropriate by the State Government till the completion of the investigation. Further, Respondent No. 3, Shri Thockhom Kaminimohon Singh, General Manager, Manipur State Power Company Limited (MSPCL) and Respondent No. 4, Shri

Manoharmayum Budhachandra Sharma, General Manager, Manipur State Power Company Limited (MSPCL) should be taken out/transferred from their present posting till the completion of the investigation of this case. These recommendations and directions are for larger interest of the State Government and public at large and shall be implemented as soon as possible for unhindered investigation of the present case as per our direction.

- E) The Respondent No. 2, Shri N. Sarat Singh, Managing Director, MSPCL; Respondent No. 3, Shri Thockhom Kaminimohon Singh, General Manager, MSPCL and Respondent No. 4, Shri Manoharmayum Budhachandra Sharma, General Manager, MSPCL are not directly involved in the election duty of the ensuing 12th State Assembly Election, 2022 and therefore, their removal from their present postings will not interfere with the election process. The above three officers i.e. Respondent nos. 2, 3 and 4 had already retired from their respective service on superannuation but they are now continuing on re-engagement.
- F) Chief Secretary, Government of Manipur and Director General of Police, Manipur shall ensure

that the place of posting of the assigned Investigating Officer of this case may not be disturbed without the prior notice to the Manipur Lokayukta.

[26] Deputy Registrar, Manipur Lokayukta is directed to send a copy of this order to:

- i) the Chief Secretary, Government of Manipur;
- ii) the Director General of Police, Manipur;
- iii) the S.P., Crime Branch, Government of Manipur.
- iv) Shri Shrey Vats, IPS 2017(RR) SP, Kakching;
for information and necessary prompt action and to the
- v) Parties of the present case for information.

[27] Await investigation report.

Sd/-
MEMBER

Sd/-
CHAIRPERSON