

COMPLAINT CASE NO. 5 OF 2022

23.09.2022

1. Perused the office note dated 23.09.2022, wherein it is reported that a reply dated 21.09.2022 from Deputy Secretary (Power), Government of Manipur has been received in response to our order dated 08.09.2022. The said letter dated 21.09.2022 of the Deputy Secretary (Power), Government of Manipur is reproduced hereunder:

**“File No. 2/2/2022- Power
GOVERNMENT OF MANIPUR
SECRETARIAT: POWER DEPARTMENT**

Imphal, 21st September, 2022

To

The Secretary,
Manipur Lokayukta, 3rd Floor,
Directorate Complex, 2nd MR North AOC, Imphal.

Subject: Communication of Manipur Lokayukta's
Order dated 08.09.2022 passed in
Complaint Case No. 5 of 2022.

Sir,

In inviting a reference to your letter No. 5/Dy. Reg Corr/Mn.Lokayukta/2022 dated 8th September, 2022 on the above subject, I am directed to inform you that the complaint with regard to the alleged offence in connection with the construction of associated 33 kV transmission line for project has been made after the expiry of a period of seven years from the date on which the construction of associated 33kV transmission line for the project has been completed and commissioned. Hence, it fulfils the ground under Section 53 of the Manipur Lokayukta Act, 2014, thereby; the Manipur Lokayukta may not inquire or investigate the present complaint. Section 53 of the Manipur Lokayukta Act, 2014 is reproduced below:

“The Lokayukta shall not inquire or investigate into any complaint, if the complaint is made after the expiry of a period of seven years from the date on which the offence mentioned in such complaint is alleged to have been committed.”

2. That, the non-execution of sending end bay for the project as alleged in the complaint is irrelevant since, in the work order/LOA for the project, there is no provision for execution of sending end bay at New Chayang. It appears that the complainant without gathering correct information had made this wild allegation on fictitious ground, and these turn of events are very unfortunate.

Your faithfully
Sd/-
(Orjubala Haorangbam)
Deputy Secretary (Power)
Government of Manipur.

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Copy to :

- 1. PS to Minister (Power), Manipur.**
- 2. SO to Chief Secretary, Govt. of Manipur.**
- 3. PS to Pr. Secretary (Power), Govt. of Manipur.”**

2. Under the Manipur Lokayukta Act, 2014, it is the Manipur Lokayukta who has to decide the complaint filed before Manipur Lokayukta according to the provisions of the Manipur Lokayukta Act, 2014. It is so unfortunate that the Government Department against whose official allegation of corruption is made had taken a decision which is to be decided by Manipur Lokayukta, as if, it is for the said Government Department to decide what is to be done by Manipur Lokayukta in respect of the complaint filed against the official of that department. It is for the Manipur Lokayukta to decide whether the present case is barred by limitation or not on the basis of the documents and information produced and furnished by the Power Department, Government of Manipur in compliance of our order dated 08.09.2022. The Power Department, Government of Manipur cannot simply refuse to comply the lawful order of the Manipur Lokayukta dated 08.09.2022 by taking its own decision as if they are the authority for deciding the legality or otherwise of our order dated 08.09.2022.

3. The present complaint is now at the initial stage as provided under section 20 (1) (a) of the Manipur Lokayukta Act, 2014 inasmuch as Manipur Lokayukta is now at the stage of ascertaining as to whether there exists a prima facie case for preliminary inquiry against the public servants by its inquiry wing. In order to do complete justice to the public servants against whom the present complaint is made, Manipur Lokayukta by invoking its jurisdiction under section 22 of the Manipur Lokayukta Act, 2014 for the purpose of preliminary inquiry asked the public servants of the department concern to furnish information and also to produce documents relevant to such

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preliminary inquiry. The embargo for registering a case for preliminary inquiry as such bar by limitation under section 53 of the Manipur Lokayukta Act, 2014 is to be decided by Manipur Lokayukta and not by the public servants or the department against whom complaint has been filed. Section 20 (1) (a), section 22 and section 53 of the Manipur Lokayukta read as under:

“20. (1) The Lokayukta on receipt of a complaint, if it decides to proceed further, may order—

(a) Preliminary inquiry against any public servant by its Inquiry Wing or any agency to ascertain whether there exists a prima facie case for proceeding in the matter;”

“22. Subject to the provisions of this Act, for the purpose of any preliminary inquiry or investigation, the Lokayukta or the investigating agency, as the case may be, may require any public servant or any other person who, in its opinion, is able to furnish information or produce documents relevant to such preliminary inquiry or investigation, to furnish any such information or produce any such document.”

“53. The Lokayukta shall not inquire or investigate into any complaint, if the complaint is made after the expiry of a period of seven years from the date on which the offence mentioned in such complaint is alleged to have been committed.”

4. As per the information received by the Manipur Lokayukta, mentioning the line name, project cost, tentative schedule for commissioning, it appears that the present case is within time, but we are not deciding this point at this stage, and for proper decision we called for information and documents under our order dated 08.09.2022. The portion of the information received by Manipur Lokayukta in the complaint is reproduced hereunder:

Sl. No.	Line Name	Ckts	Length (Ckt-km)	Conductor	Project Cost (in Crores)	Tentative Scheduled Commissioning
41	LILO on Khuman Lampak Leimakhong at Mantripukhri	SC	4.88	Racoon	Existing	Existing
42	LILO on Leimakhong-Kangpokpi at Gamphazol	SC	2	Racoon	Existing	Existing
43	LILO on Mayang Imphal – Kakching at Sekmajjin	SC	0.5	Racoon	Existing	Existing

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44	LILO on Napetpali-Khuman Lampak at Chingarel	SC	1.6	Racoon	Existing	Existing
45	LILO on Regpang-jiribam at Oinamlong	SC	3	Racoon	0.48	2019
46	LILO on Saiku-Napet Palli at Sagolmang	SC	8	Racoon	Existing	Existing
47	LILO on Tolloi-Namrei at Paoyi	SC	12	Racoon	1.68	2019
48	LILO on Yurembam-Mongsangei at Sangaiprou	SC	0.2	Racoon	Existing	Existing
49	Maram-Lakhamai	SC	40	Racoon	Existing	Existing
50	Maram-Willong	SC	37	Racoon	Existing	Existing
51	Mayang Imphal-Kakching	SC	19	Racoon	Existing	Existing
52	Moirang Khunou-Wangoo	SC	13.5	Racoon	Under RGGVY	2018
53	Moirang -Moirang Khunou	SC	6.5	Racoon	Existing	Existing
54	Mongsangei – Wangoi	SC	10	Racoon	1.92	2018
55	Mongsangei- Kakwa	SC	3	Racoon	Existing	Existing
56	Namarei-Jessami	SC	50	Racoon	Existing	Existing
57	Napetpali-Khuman	SC	28.4	Racoon	Existing	Existing
58	Napetpali-Saikul	SC	35.5	Racoon	Existing	Existing
59	New Chayang-Chakpikarong	SC	18.4	Racoon	Existing	Existing
60	<u>New Chayang-Sugunu</u>	<u>SC</u>	<u>20</u>	<u>Racoon</u>	<u>3.21</u>	<u>2017</u>
61	New Lamka-Singhat	SC	36.5	Racoon	Existing	Existing
62	Nilakuthi-Leimakhong	SC	9.5	Racoon	Existing	Existing
63	Ningthoukhong-Bishenpur	SC	5	Racoon	Existing	Existing
64	Ningthoukhong-Moirang	SC	6.5	Racoon	Existing	Existing
65	Rengpang –Khoupum	SC	20	Racoon	Existing	Existing
66	Rengpang-Tamenglong	SC	35	Racoon	Existing	Existing
67	Sangaipat-JNIMS	SC	3	Racoon	Existing	Existing
68	Sangaiprou-Sagolband	SC	6	Racoon	0.79	2018
69	Tadubi-Mao	SC	10	Racoon	1.97	2018
70	Tamenglong-Tousem	SC	42	Racoon	Existing	Existing
71	Tegnoupal-Moreh	SC	35	Racoon	Existing	Existing
72	Thanlon-Maulnaum	SC	29	Racoon	4.02	2019
73	Thanlon-Parbung	SC	45	Racoon	Existing	Existing
74	Thanlon-Pherzawal	SC	48	Racoon	Existing	Existing
75	Thanlon-Sinjawl	SC	25	Racoon	Existing	Existing
76	Thinkew-Henglep	SC	25	Racoon	3.26	2019
77	Thinkew-Thanlon	SC	75	Racoon	Existing	Existing
78	Thoubal- Ushoipokpi	SC	9	Racoon	Existing	Existing
79	Thoubal 132kV S/S to Thoubal 33 kV Substation	DC	6	Racoon	4.04	2019
80	Thoubal- Kasom Khullen	SC	25	Racoon	3.28	2018
81	Thoubal – Wangjing (Moirang Palli)	SC	10	Racoon	1.92	2019

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5. It is well settled law that if the individuals, who are in possession of the documents and knowledge of the information asked for by an authority in a quasi-judicial proceeding more of investigating in nature, refuse to give information and produce documents, an adverse interference will be taken against the said individuals. We can take the adverse interference against the officials of the Power Department, Government of Manipur but even then we are giving a second opportunity to produce the information and documents asked for vide our order dated 08.09.2022 in the present complaint case.

6. It may not be out of place to mention that the public of Manipur highly appreciated the steps taken up by the present Government under the leadership of the present Chief Minister for fighting against corruption alongside with Manipur Lokayukta by opening an Anti-Corruption Cell which is now renamed as Public Grievance Redressal & Anti-Corruption Cell headed by Secretary, Public Grievance Redressal & Anti-Corruption Cell. It is our loud thinking whether the reply of the Power Department, Government of Manipur in the present matter, is in the knowledge of the Hon'ble Chief Minister, Government of Manipur who is the head of the Government of Manipur and is in-charge of the department dealing with corruption and vigilance in the State. The response of the Power Department could be perceived as non-cooperative attitude and an attempt to stone wall any inquiry or investigation against allegation of corruption in the department.

6.1. Secretary, Public Grievance Redressal & Anti-Corruption Cell is directed to bring this matter and the hindrance in the proceeding of the present case to the notice of the Hon'ble Chief Minister, Manipur.

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7. In the above fact and circumstances, further 15 (fifteen) days' time i.e. on or before 10.10.2022 is granted to the Administrative Secretary, Department of Power, Government of Manipur to furnish and produce documents asked for vide our order dated 08.09.2022 in person before the Manipur Lokayukta at 11 a.m. on 10.10.2022.

8. Secretary, Public Grievance Redressal & Anti-Corruption Cell is further directed to furnish the action taken report in pursuance of this order on or before 10.10.2022.

9. Put up this case on 10.10.2022 for the personal appearance of (i) the Administrative Secretary, Department of Power, Government of Manipur and (ii) Mrs. Orjubala Haorongbam, Deputy Secretary (Power) Government of Manipur on 10.10.2022 at 11:00 a.m.

10. Registry is directed to furnish a copy of the order along with the order dated 08.09.2022 passed in the present complaint case to (i) the Chief Secretary, Government of Manipur, (ii) the Administrative Secretary, Department of Power, Government of Manipur, (iii) the Secretary, Public Grievance Redressal & Anti-Corruption Cell and (iv) Mrs. Orjubala Haorongbam, Deputy Secretary (Power) Government of Manipur for compliance by Special Messenger, forthwith.

Sd/-

MEMBER

Sd/-

CHAIRPERSON