

COMPLAINT CASE NO. 6 OF 2022

24.11.2022

1. Perused the office note dated 08.11.2022 prepared by Deputy Registrar Manipur Lokayukta, wherein it has been mentioned that a complaint has been filed by Shri. Khumanthem Dhanachandra Singh S/o (L) Khumanthem Manibabu Singh, Profession Journalist, resident of Naoremthong Laishram Leirak, P.O. & P.S Lamphel, Tehsil Lamphel, Imphal West District, Manipur against, (i) Shri Ng. Subhachandra Singh, Managing Director (MSPDCL), (ii) Laishram Priyokumar Singh, Retd. Managing Director, MSPDCL, (iii) Shri. Hijam Shantikumar Singh, Executive Director (Technical), MSPDCL, (iv) Deputy General Manager of IED-I, IED-II, IED-III, IED-IV, Thoubal Division, CCPUR Division, Noney Division, Senapati Division, Tamenglong Division, Pherzwal Division, Jiribam Division, Kakching Division, Ukhrul Division, Kamjong Division, Kangpokpi Division, Tengnoupal Division, (v) M/S Industrial Systems LLP, Kay M Plaza, 3rd Floor, Near KAR Bhawan, Ganeshguri, Guwahati-781006, (vi) Shyama Power India Limited, 421, Udyog Vihar Phase – IV, Gurgaon- 122015 (vii) T & T Projects Limited, T-3, Pameshwari Building, Chatribari Road, Guwahati-781001, (viii) Khagemba Transmission and Construction, Pishumthong, Imphal.

2. We have perused the complaint which has been filed in Form No. 1 as provided under Rule 15 (2) of Manipur Lokayukta Rules, 2018. Rule 15 (3) of the Manipur Lokayukta Rules, 2018 provides that every complaint made under sub-rule (1) shall contain a statement in a concise form of the facts on which that allegation is based. It shall also indicate as far as possible, the evidence by which the complainant proposes to prove each allegation. Rule 15 (5) of the Manipur Lokayukta Rules, 2018 mandates that complainant shall deposit a fee of Rs. 1000/- (one

thousand) by way of bank draft/IPOC payable to the Secretary, Manipur Lokayukta. Rule 15 (6) and (7) provides that every complainant shall be supported by an affidavit in Form 2 duly sworn in by the complainant before the Magistrate of First Class or any Oath Commissioner appointed by the High Court and every such affidavit shall be verified at the end by the complainant or by one of the complainants. Form 1 i.e. Form of Complaint prescribes that to support the allegations the complaint relies on the facts and is also filing an affidavit.

2.1. We have perused the complaint and on such perusal it is clear that the complaint is in the prescribe format. The complainant has also filed a Brief Report of facts on which the allegation is based. It is stated that the Brief Report of facts consists of para nos. 1 to 26 and are in separate sheet.

3. We have applied our mind to the said Brief Report of facts, consisting of para nos. 1 to 26, and on such perusal we found out that the allegation and assertions of the complainant is that a national Flagship Programme i.e. Pradhan mantra Sahaj Biji Har Ghar Yojana – Saubhagya with the objective to achieve universal house electrification by providing last mile connectivity and electricity connection to all 460 lakh households in rural and urban areas was launched on 11.10.2017 by Ministry of Power, Government of India with a total cost of Rs. 16,320/- crore including a Gross Budgetary Support (GBS) of Rs. 12,320/- crore from Government of India during the entire period of implementation. The Rural Electrification Corporation Limited (REC) is the Nodal Agency for implementation of the scheme. The scope of the scheme among others includes : (1) Providing

of last mile connectivity and electricity connections to all un-electrification households in rural area, (2) Providing of Solar Photo Voltaic (SPV) based standalone systems for un-electrified households located in remote and inaccessible village/habitations, where grid energy extension is not feasible or cost effective, (3) Providing of last mile connectivity and electricity connections to all remaining economically poor un-electrified in urban areas. Non-poor urban households are excluded of this scheme. The scheme envisages free electricity connections to all un-electrified households based on the Socio Economic Caste Census (SECC) 2011. Other un-electrified households which are not qualified under the scheme shall be provided connection at Rs.500/- per connection recoverable in ten monthly instalments along with electricity bills. The last mile connectivity includes erection of poles, conductor etc. as may be required for extending service connection to remaining un-electrified households. The electricity connections to all un-electrified households include provision of service line with technical specifications and construction standard as laid down in REC Specification 5/1986 for Single Phase Service Connection. Saubhaya Scheme in Manipur was launched jointly by Hon'ble Union Power Minister and Hon'ble Chief Minister, Manipur on 28th November, 2017 for electrification of 1,37,209 un-electrified households (1.07 lakh rural household + 30,209 urban households). MSPDCL take up the implementation of Saubhagya scheme by issuing LOAs to different firms i.e. (i) Imphal West District (Rs. 9,13,18,081), Imphal East District (Rs.9,01,70,931) and Bishnupur District (Rs. 8,91,33,490) to M/S Industrial System LLP, (ii) Thoubal District (Rs.11,53,07,738), Churachandpur District (Rs. 40,03,54,246), Ukhru District (Rs. 21,57,26,495) and Senapati District

(Rs.42,87,16,187) to M/s Khagemba Transmission and Construction, Imphal. (iii) Chandel District (Rs.40,67,43,500) to M/s T & T Projects Limited, Guwahati.

4. The complainant in public interest sought the following information on the implementation of Saubhgya scheme in Manipur from Manipur State Power Distribution Company Limited (MSPDCL) vide RTI application dated 18.04.2022 to furnish :

- a) Copy of Letter of Award/LOA to firm implementation of SAUBHAGYA scheme in the State of Manipur.
- b) Copy of Agreement for implementation of SAUBHAGYA scheme in the State of Manipur.
- c) Copy of transportation documents/dispatch document/challan for equipment and materials which have been used in implementation of SAUBHAGYA scheme.
- d) Copy of fund sanctioned for implement of SAUBHAGYA scheme in the State of Manipur.
- e) Copy of Utilisation Certificate for fund utilised for the implementation of SAUBHAGYA scheme in the State of Manipur.
- f) Copy of relevant Measurement Book (MB).

4.1. The complainant being aggrieved on the non-disclosure of information by MSPDCL, approached the First Appellate Authority/Power Commissioner, Government of Manipur vide application dated 24.05.2022 praying for directing SPIO,

MSPDCL to furnish the documents. Further, the complainant on non-furnishing the documents, approached the State Chief Information Commission, Manipur Information Commission, New Secretariat, Imphal vide application dated 24.06.2022 to direct SPIO, MSPDCL to furnish the information. The Deputy Registrar (Judl – II), Manipur Information Commission vide Order dt. 30.06.2022 on Appeal Case No. 68 of 2022 directed i) FAA/Commissioner/Secretary(Power), Government of Manipur, ii) SPIO,MSPDCL to appear before the Commission on 14.07.2022 in person or by duly authorized person(s) on his behalf with the condition that in case of default appearance without lawful excuse the matter will be heard and determined in his absence. The Manipur Information Commission vide Decision dated 01.09.2022 passed in Appeal Case no. 68 of 2022 observed that the information sought by the Appellant is disclosable and directed SPIO/Managing Director, MSPDCL to furnish the information within 10 days.

4.2. The complainant vide letter dt. 22.10.2022 approached Manipur Information Commission information that regarding query (a) the Work Order/LOA does not include whole set of documents, information on query (c) MSPDCL did not provide full copies of transport documents/challan/delivery challans for four districts of Imphal West, Imphal East, Bishnupur and Tamenglong and for query (f) Measurement Books for Imphal West District, Imphal East District, Bishnupur District and Tamenglong are not furnished. It is further added that on scrutiny of the available MBs, passing of bills and payment were not done in MBs. Further, during the hearing on 04.10.2022 MSPDCL handed over the left out information on a) i.e. Annexure A of the Work Order/LOA

wherein the complainant insisted on furnishing left out information relating to transportation documents/challans for four district of Imphal West, Imphal East, Bishnupur and Tamenglong along with associated MBs. Commission directed vide Decision dt. 04.10.2022 to bring the missing information in the next hearing and next hearing was fixed on 11.10.2022 at 2.45 PM. On 11.10.2022 Public Authority/Manager (Projects), MSPDCL while furnishing the additional information (transportation documents, despatched documents/challan with respect to Imphal East, Imphal West, Bishnupur and Tamenglong Districts and stated that in case of MBs, the Appellant can take photograph using his mobile phone. The Commission vide Decision dt. 11.10.2022 directed SPIO/MD, MSPDCL to furnish a written reply stating that specific area/location is not reflected/included in the said LOA. The relevant portion of the Decisions dated 04.10.2022 and 11.10.2022 are reproduced hereunder:

“Decision dated 04.10.2022.

The appellant acknowledged receipt of the said information and he further demanded the left out information relating to transportation documents/challans etc. for 4(four) districts, viz. Imphal East, Imphal West, Bishnupur and Tamenglong along with the MB for all districts (as highlighted in the Appellant’s rejoinder dated 23/09/2022).

The public authority also placed a letter dated 29th September 2022 issued by the General Manager (Projects) MSPDCL intimating to DGM(s) of all Revenue Division, MSPDCL to submit MB and transportation & delivery challan for implementation of SAUBHAGYA Scheme on or before 07.10.2022 to the office of GM (Projects), MSPDCL.

Upon hearing from both the parties present in the hearing, the Commission directs the SPIO/MD, MSPDCL to bring all the left out documents including the MBs positively to the Commission during the next hearing.

The next hearing is fixed on 11st October at 2:45 pm.”

“ Decision dated 11.10.2022.

The public authority/Manager (Project), MSPDCL clarified that specific area/location is not mentioned in the Letter of Award (LOA) of this MSPDCL’s project. The public authority also provided a set of additional information (transportation document, despatch document/ challan) with respect to Imphal East, Imphal West, Bishnupur and Tamenglong districts along with MB (measurement book). The public authority stated that in case of MB, the appellant can take photograph using his mobile phone.

Upon hearing from both the parties present in the hearing, the Commission has given a liberty to the appellant to examine the said information. The Commission also directs the SPIO/MD, MSPDCL to furnish a written reply stating that specific area/location is not reflected/ included in the said LOA.

The next hearing is fixed on 8th November, 2022 at 2:00 pm.”

5. The complainant alleged that:
- (i) on scrutiny of the available documents with respect to implementation of Saubhgya Scheme for Imphal West District, it is found that the work was awarded to M/S Industrial System LLP, Kay M Plaza, 3rd Floor, Near KAR Bhawan, Ganeshguri, Guwahati-781006 vide No. 2/201(saubh-iw)/ 2019-MSPDCL-TECH/3797-811 dt. 8th March, 2019 at the cost of

Rs. 9,13,18,081/- . The scope of work among others include stringing of 16.78 km 11 kV line with ACSR weasel conductor, installation of 31 nos. of distribution transformer, laying of three half core Cable for 20.4 km, laying of single phase AB Cable for 23.01 km with provision for supply of 1252 nos. of 8 mtr steel tubular pole, supply of 31 nos distribution transformer (100KVA-3, 63 KVA-2, 25KVA-6), supply of AB Cable 3 phase--204.4 km and single phase – 23.01) etc.

(ii) It seems from the response of MSPDL that the Company is not willing to share the full documents to conceal manipulation in collusion with the contracting firm or otherwise using time delaying tactics much against the expected transparency in the execution of work. Further, as un-attested photo copies are handed over, there might be huge room for manipulation in the documents.

(iii) Imphal West District- On verification of the Transport documents and factory invoices furnished, the following shortcomings were observed:

(a) For 8 mtr STP factory invoice for 992nos (erroneously reported as 991 nos) is available and paper for 260 nos (erroneously reported as 261 nos) is not furnished. However receipt of 1252 nos. of 8 mtr STP is recorded in the MB. In the absence of supporting documents it is presumed that there may be chances of short supply.

(b) For Weasel Conductor and Ariel Bunch Cable, no factory invoice support the transport Challan for transportation of 52.86 km of ACSR

weasel conductor and AB Cable. MB recorded receipt of exact 52.86 km (MB Supply Page No 19, Sl. No. 95-4.1 despatched in Packed Drum with an average length of about 3 km. delivery of the exact quantity as in the LOA is very much doubtful as full length of conductor as summation of the length of the drums will never tally with the LOA figure. Further one lorry transport challan is attached which may not be possible to transport 17/18 drums of packed conductor. Likewise record receipt of 43.41 km A B Cable through one lorry is unacceptable for transportation of around 16/17 packed drums of 2.6/2.7 km each. It all suggest table measurement

(c) In the absence of full sets of documents, there is scope for manipulation in the supply for the above items.

(d) M B Erection Page No. 3, Sl. No.9 records erection of 0.54 circuit km 11 kV line and Page 44, Sl. No 11 records erection of 0.8 circuit km 11 kV line for Urban areas.

(e) M B Erection Page no. 16, Sl. No. 48 records 8.3 circuit km of 11 kV line and page No. 51, Sl. No. 56 records erection of 15.98km of 11 kV line for Rural areas

(f) Total length of ACSR Weasel conductor as per erection record is $(0.54+0.8+8.32+15.98)$ km i.e. 25.64 circuit km which is equivalent to 25.64×3 km i.e 76.92 km of conductor against the supply the supply of 52.86 km. This is quite absurd measurement.

(g) If physical Measurement Book (MB) are used instead of eMBs, it is general practice to follow CPWD Works Manual/Standard Operating Procedure while passing & making payment by recording in the respective MBs. Measurement Books are considered as very important record and to be maintained carefully & accurately as these may have to be produced as evidence in a court of law, if and when required.

(h) No insurance policy for the materials on transit is attached in the transport challan and claim for insurance should have been out rightly rejected.

(i) The LOA does not have scope for supply consumer service materials. Hence claim for single phase service connection as per REC Specification cannot be verified.

(iv) Thoubal District: Implement of Saubhagya Scheme for Thoubal District was awarded to M/s Shyama Power India Limited. Gurgaon at Rs. 11,53,07,738/-. Survey report of HT line & LT line with GPS Coordinates was forwarded by MSPDCL to M/s Shyama Power India Limited and as per the report scope of work among others comprises of stringing of i) 28.174 km overhead HT line, ii) stringing of 36.264 km of LT line single phase and 26.862 km of LT line three phase and iii) installation of 28 nos. of distribution transformer with procurement of 1787 nos. of 8mt long steel tubular pole and 56 nos of 9mt long steel tubular poles. While making field inspection in consultation with approval geo-tagged survey report, except for few works, no infrastructure

works were taken up at the approved villages in Papal, Tekcham Chingya Leikai, Tenth Khongba IMathak, Tenth Mayengching at those GPS Coordinates.

6. The complainant also stated that officials, mentioned in the complaint case, of Manipur State Power Distribution Company Limited in collusion with the contracting firm did not implement the SAUBHAGYA scheme in true spirit as envisaged in the guidelines of the said scheme rather they have misappropriated crores of rupees of public money released by the Government of India for the welfare of the needy/poor people for their personal benefits and the poor entitled household of the scheme are not getting the benefit of the scheme. This is a great mischief by the officials of MSPDCL to the people of Manipur. It is also mentioned in the complaint that the Saubhgya scheme was closed at Rs. 192.70 crores much below the total work order amount of Rs. 203,86,62,219/- Therefore, it is clear that the full benefit of the said scheme does not reach the beneficiaries and the officials had become richer.

7. The aim and object for establishing the Manipur Lokayukta Act for the state of Manipur is to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto. Therefore, we are of the considered view that the allegation made by the complainant in the present complaint can be inquired into as provided under the Manipur Lokayukta Act, 2014 (Manipur Act No. 11 of 2014).

8. For the foregoing reasons, we are of the considered view that there is a prima facie material for holding a preliminary

inquiry as contemplated under section 20(1) of the Manipur Lokayukta Act, 2014. Accordingly, we direct the Inquiry Wing, Manipur Lokayukta to conduct a Preliminary Inquiry in light of the above observations and the preliminary inquiry report may be submitted within the period prescribed under the Manipur Lokayukta Act, 2014. It is also made clear that the while conducting the inquiry, the inquiry officer shall keep in view of their powers and jurisdiction as provided under sub-section (1), (2), (4), (5), (9) of Section 20, Section 21, Section 22, Section 25, Section 26, Section 28(2), Section 29, Section 32, Section 36 and other provisions of the Manipur Lokayukta Act, 2014.

9. Deputy Registrar, Manipur Lokayukta is directed to furnish a copy of this order along with a full set of complaint to Director (Inquiry), Manipur Lokayukta within 48 hours.

10. Await Preliminary Inquiry Report.

Sd/-
MEMBER

Sd/-
CHAIRPERSON