**Before**

**Manipur Lokayukta**

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

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**Complaint Case No. 6 of 2022**

*In the matter between:*

Shri Khumanthem Dhanachandra Singh, S/o Late Khumanthem Manibabu Singh, resident of Naoremthong Laishram Leirak, P.O. & P.S. Lamphel, Imphal West District, Manipur.

… *Complainant*

1. Shri Ng. Subhachandra Singh, Managing Director, MSPDCL;

2. Shri Laishram Priyokumar Singh, (Retd.) MD, MSPDCL; and

3. Shri Hijam Shantikumar Singh, Executive Director (Technical), MSPDCL.

….. *Respondents/Opposite Parties*

**B e f o r e**

***Mr. Justice T. Nandakumar Singh, Hon’ble Chairperson***

***Mr. Ameising Luikham, Hon’ble Member***

For the Complainant : Represented by Power of Attorney,

Shri Rinku Khumukcham.

For the Respondents: In Person.

**Date of order : 10.01.2024**

**Judgment and Order**

[1] Heard the Respondent Nos. 1, 2 and 3 who appeared in person. They submitted that they have no comment to the Preliminary Inquiry Report dated 26.12.2023, which comprises of 2 (two) Volumes having 559 pages altogether. The Complainant submitted an application dated 05.01.2024 to the Chairperson, Manipur Lokayukta stating that he is not in a position to attend the hearing and in his absence Manipur Lokayukta may pass any decision which the Lokayukta deems fit based on its Preliminary Inquiry Report.

[2] The Preliminary Inquiry Report dated 26.12.2023, which was submitted after extensive preliminary inquiry, mentioned that the allegations and assertions made by the Complainant in the Complaint for alleged corruption and mis-appropriation of fund/Government money in implementation of Saubhagya Scheme is not substantiated by any materials, therefore, Shri Ng. Subhachandra Singh, the then Managing Director, MSPDCL, Shri Laishram Priyokumar Singh, who served as MD, MSPDCL (In-charge) from May 2018 to Feb., 2020, Shri Hijam Shantikumar Singh, the then Executive Director (Technical) MSPDCL and the officials of the MSPDCL have implemented the Saubhagya Scheme in Manipur as per the REG Guidelines and they have performed their duty as per the law and also there is no misappropriation of fund/Government money.

[3] The Complainant in spite of the Preliminary Inquiry Report stating that the Saubhagya Scheme had been implemented as per REC Guidelines and also that the Respondents had performed their duties as per law and did not file any application praying for further Preliminary Inquiry. It is settled law that the Court on receiving a Charge-sheet or final report cannot pass an order for re-investigation and the Court can only pass for reason recorded therein for further inquiry. Regarding this settled position of law, it would be suffice to refer to the decision of the Apex Court i.e. (i) **Mithabhai Pashabhai Patel and Ors. Vs. Statee of Gujarat (2009) 6 SCC 332** and (ii) **Dr. D.C.Wadhwa and Ors. Cs State of Bihar and Ors. (1987) 1 SCC 378**. Para 12, 13 and 23 of the SCC in Mithabhai’s case (supra) read as follows:

**“12. This Court while passing the order in exercise of its jurisdiction under Article 32 of the Constitution of India did not direct reinvestigation. This Court exercised its jurisdiction which was within the realm of the Code. Indisputably the investigation agency in terms of sub-section (8) of Section 173 of the Code can pray before the court and may be granted permission to investigate into the matter further. There are, however, certain situations, where such a formal request may not be insisted upon.**

**13. It is, however, beyond any cavil that “further investigation” and “reinvestigation” stand on different footing. It may be that in a given situation a superior court in exercise of its constitutional power, namely, under Article 226 and 32 of the constitution of India could direct a “State” to get an offence investigated and/or further investigated by a different agency. Direction of reinvestigation, however, being forbidden in law, no superior court would ordinarily issue such direction. Pasayat, J. in *Ramachandran V.R. Udhayakumar2* opined as under: (SCC p. 415, para7)**

**“7. At this juncture it would be necessary to take note of Section 173 of the Code. From a plain reading of the above section it is evident that even after completion of investigation under sub-section(2) of Section 173 of the Code, the police has right to further investigate under sub-section (8), but not fresh investigation or reinvestigation.”**

**23. In *Rama Choudhary v. State of Bihar ((2009) 6 SCC 346)* it was held: (SCC p.349, paras 15-18)**

**“15. … The abovesaid provision also makes it clear that further investigation is permissible, however, reinvestigation is prohibited.**

**16. The law does not mandate taking the prior permission from the Magistrate for further investigation. Carrying out a further investigation even after filing of the charge-sheet is a statutory right of the police. Reinvestigation without prior permission is prohibited. On the other hand, further investigation is permissible.**

**17. From a plain reading of sub-section (2) and sub-section (8) of Section 173, it is evident that even after submission of the police report under sub-section (2) on completion of the investigation, the police has a right to ‘ further’ investigation under sub-section (8) of Section 173 but not ‘fresh investigation’ or ‘reinvestigation’. The meaning of ‘further’ is additional, more or supplemental. ‘Further’ investigation, therefore, is the continuation of the earlier investigation and not a fresh investigation or reinvestigation to be started ab initio wiping out the earlier investigation altogether.**

**18. Sub-section (8) of the Section 173 clearly envisages that on completion of further investigation, the investigation agency has to forward to the Magistrate a ‘further’ report and not a fresh report regarding the ‘further’ evidence obtained during such investigation.”**

[4] Even if, there is no application/request from the side of the Complainant for a direction for further Preliminary Inquiry, we are considering the Preliminary Inquiry Report dated 26.12.2023 and also the manner the Inquiry Officer conducted the preliminary inquiry to see if there is any material for a direction for further Preliminary Inquiry. It is also no more *res integra* that there can be no second FIR and no fresh investigation on receipt of every subsequent information in respect of the same cognizable offences (Reference – **T.T. Antony vs. State of Kerala and Ors. (2001) 6 SCC 181** (para 18 and 20). Para 20 of the SCC in T.T. Anthony’s case (supra) read of follows:

**“20. From the above discussion it follows that under the scheme of the provisions of Section 154, 155, 156, 157, 162, 169, 170 and 173 CrPC only the earliest or the first information in regard to the commission of a cognizable offence satisfies the requirements of Section 154 CrPC. Thus there can be no second FIR and consequently there can be no fresh investigation on receipt of every subsequently information in respect of the same cognizable offence or the same occurrence or incident giving rise to one or more cognizable offences. On receipt of information about a cognizable offence or an incident giving rise to a cognizable offence or offences and on entering the FIR in the station house diary, the officer in charge of a police station has to investigate not merely the cognizable offence reported in the FIR but also other connected offences found to have been committed in the course of the same transaction or the same occurrence and file one or more reports as provided in Section 173 CrPC.”**

[5] We have also kept in view the settled position of law that fairness cannot be a one-way street while deciding the case of the complainant who alleges serious allegations of corruption against the Respondents and also the case of the Respondent in the larger interest of the public. Therefore, while deciding the case of the complainant/respondents, we have seriously considered their respective case and materials available on record as well as the Preliminary Inquiry Report dated 26.12.2023. The Apex Court had discussed the doctrine of fairness in **Haryana Financial Corporation and Anr. Vs. Jagdamba Oil Mills and Anr. (2002) 3 SCC 496**. Para nos. 8 and 9 of the SCC in Haryana Financial Corporation’s case (supra) read as follows:

**“8. The guidelines were stated to be necessary to ensure fair play. That decision, as the factual position would go to show, was rendered in a case where the borrower intended to repay the debt and was anxious to do so. While not insisting upon the borrower to honour the commitments undertaken by him, the Corporation alone cannot be shackled hand and foot in the name of fairness.**

**9. In matters like the present one, fairness cannot be a one-way street. Corporations borrow money from the Government or other Financial Corporations and are required to pay interest thereon. Where the borrower has no genuine intention to repay and adopts pretexts and ploys to avoid payment, he cannot make the grievance that the Corporation was not acting fairly, even if requisite procedures have been followed.”**

[6] The case of the Complainant in the Complaint Petition is that MSPDCL Officials had mis-appropriated public money/fund in the implementation of Saubhagya Scheme in Manipur. Further, the official of MSPDCL (Manipur State Power Distribution Company Limited) in collusion with the Contract Firms 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. It is also further alleged that the Saubhagya Scheme was closed at Rs. 192.70 crores much below the total work order amount of Rs. 203,86,62,219/-. It is also further alleged that the full benefit of the Saubhagya Scheme has not reached the beneficiaries and the officials have become richer.

[7] Manipur Lokayukta after perusal of the Complaint and supporting documents passed an order dated 24.11.2022 that there is prima facie materials for holding a preliminary inquiry as contemplated under Section 20 (1) of the Manipur Lokayukta Act, 2014 and accordingly, directed the Inquiry Wing, Manipur Lokayukta to conduct the preliminary inquiry in the light of the observation made therein and the preliminary Inquiry Report may be submitted within the period prescribed under the Manipur Lokayukta Act, 2014.

[8] The Inquiry Officer submitted an application/letter dated 12.01.2023 to the Manipur Lokayukta stating that a Technical Appraisal Team may be constituted to assist the Inquiry Officer in conducting the preliminary inquiry. On receipt of the said letter dated 12.01.2023, Manipur Lokayukta passed an order dated 29.03.2023 in Misc. Case No. 2 of 2023 (Ref.: Complaint Case No. 6 of 2022) constituting a Technical Appraisal Team consisting of (i) Shri. L. Kumarjit Singh, AE(Elect.) as in-charge EE/Electrical Division-I PWD and (ii) Shri Sagolshem Somendro Singh, Scientific Officer (Electrical Engineer) Manipur Renewable Energy Development Agency (MANIREDA).

[9] While considering the present case, it is required to look into the Guidelines for Quality Monitoring under Pradhan mantra Sahaj Bijili Har Ghar Yojana (SAUBHAGYA). For easy reference the said Guidelines is reproduced hereunder:

**“Guidelines for Quality Monitoring under**

**Pradhan Mantri Sahaj Bijili Har Ghar Yojana (SAUBHAGYA)**

**State Power utility shall be solely responsible & accountable for assuring quality works under Pradhan Mantri Sahaj Bijili Har Ghar Yojana (SAUBHAGYA) State Power utility shall formulate a comprehensive Quality Assurance (QA) plan with an objective to build Quality Infrastructure under Saubhagya. The QA and Inspection Plan shall be integral part of the contract agreement with turnkey contractor or equipment supplier/vendor and erection agency as the case may be in case of partial turnkey and departmental execution of works. Documentation with regard to Quality Assurance & Inspection plan shall be maintained by the utility and kept in proper order for scrutiny during the course of project execution and for future reference. The utility has to ensure that the quality of material/equipment supplied at site and field execution of works under the project is in accordance with Quality Assurance & Inspection plan.**

**Quality checks to be ensured by State Power Utility: State Power Utility shall strictly ensure QA checks during day to day course of project execution, which are as follows:**

1. **Pre-dispatch inspection of all the materials to be utilized under Saubhagya as approved Technical Specification/GTP/Drawings/Data Sheet etc. and as per latest national and international standards.**
2. **Verification of infrastructure created in villages under Saubhagya as per approved Quality Plan/Drawings/Date Sheets etc.**
3. **100% verification of HHs connections released under Saubhagya.**

**Saubhagya scheme shall have a single tier Quality Assurance Monitoring (QAM) in addition to in-house process quality checks followed by State Power Utility/Project Implementing Agency during the execution of the project.**

**Rural Electrification Corporation (REC), the nodal agency for the Saubhagya scheme shall operate the Quality Assurance Mechanism. REC shall designate CPM/Sr. CPMs of the respective state(s) as State Quality Assurance Coordinator (SQAC) at its state office and REC corporate office shall designate an officer not below the level of GM/AGM/DGM as REC Quality Assurance Coordinator (RQAC).**

**REC shall outsource independent third party agenc(ies) designate as REC Quality Monitors (RQM) to ensure quality of materials procured and shall also verify quality of works executed under the Saubhagya scheme. RQM shall carry out pre-dispatch inspection of major materials like Poles, Conductor, Cables, Transformers and Energy Meters etc. randomly in any single lot at the works of manufacturer. RQM shall verify quality of works in five (5) percent villages where infrastructure works has been carried out with 100% verification of HHs connections released under Saubhagya.**

**(Note: Villages includes Habitations-Dhani/Majra/Tolas/Thandas etc.)**

**Material Inspection:**

**At least one type of important materials shall be inspected. The inspection/testing/witnessing of acceptance tests of materials shall be carried out by RQM as per approved. Technical Specifications/Datasheet/GTP/ Drawings as per latest applicable national & international standards. The important materials which have been identified for pre-dispatch inspection at manufacture premises are Distribution Transformer, Conductor, Energy Meter (3-Phase & 1-Phase), Pole, Insulators and Cables etc.**

**Sampling of materials from field: During the execution of scheme, if at any point of time, it is found that inferior quality of materials has been used by State Power Utility under Saubhagaya without adhering to quality guidelines, REC inspector/officials shall identify the materials for testing at CPRI/ERDA testing laboratories across the country from site. All expenditures that shall incurred towards packing, transport, inspection, testing charges etc. are to be borne by the State Power Utility or the executing agency.**

**Villages/Household Inspection:**

**Villages/Households connections released are to be inspected as per approved FQP/Drawings/Technical Specifications/Datasheet/survey report. The villages/Households inspection that shall be carried out by RQM is as hereunder:**

**100% verification of household connections released shall be carried out in 5% villages where infrastructure has been created under Saubhagya in two stages. Stage-I & Stage-II inspection shall cover 2.5% villages respectively based on actual progress reported by State Power Utility. Stage-I inspection shall be issued and completed when physical progress of 40% and 50% is achieved whereas Stage-II inspection shall be issued and completed when physical progress of 80% and 90% is achieved in a project/district.**

**Abbreviations:**

**MoP - Ministry of Power**

**REC - Rural Electrification Corporation Ltd**

**PIA - Project Implementation Agency**

**QAM - Quality Assurance Mechanism**

**UE - Un-Electrified**

**IE - Intensive Electrified**

**HH - Households**

**QM - Quality Monitor**

**QA - Quality Assurance**

**FQP - Field Quality Plan**

**MQP - Manufacturing Quality Plan**

**PQAC - PIA Quality Assurance Coordinator**

**RQAC - REC Quality Assurance Coordinator**

**GTP - Guaranteed Technical Particulars**

**CPSU - Central Public Sector Undertaking**

**SQAC - State Quality Assurance Coordinator**

**RSQAC - REC State Quality Assurance Coordinator**

**CPM - Chief Program Manager**

**RO - Regional Officer**

**SO - State Office**

**BPL - Below Poverty Line**

**BOQ - Bill of Quantity**

**Village - Village means village with all associated Hamlets/Mauza/Dhani/ Thands etc.”**

[10] After perusal of the said Guidelines, it is clear that Rural Electrification Corporation (REC) is the nodal agency for the SAUBHAGYA Scheme. A letter of Chief Program manager, Rural Electrification Corporation Limited being No. REC/TECH/SAU-006/157 dated 30.07.2018 addressed to the Commissioner (Power), Government of Manipur had mentioned the guidelines and conditions for implementation of the project under the “Pradhan Mantri Sahaj Bijli Har Ghar Yojana (SAUBHAGYA) scheme for providing last mile connectivity and electrification of 98187 rural households in rural areas (grid)/ providing Solar Photo Voltaic (SPV) based standalone systems for electrification of 196 rural households and for 3833 nos. economically poor un-electrified households in urban areas in 9 districts of Manipur State. For easy reference, the said letter dated 30.07.2018 is reproduced hereunder:

**“RURAL ELECTRIFICATION CORPORATION LIMITED**

**(A Government of India Enterprise)**

**(CIN: L40101DL1069GO1005095)**

**Regional Office: Opposite to Seventh Day Adventist Church**

**2nd Floor, Chingmeirong Mamang Leikai**

**Imphal – Dimapur Road, Imphal East District**

**Manipur, Imphal – 795001**

**Email:** [**romanipur@gmail.com**](mailto:romanipur@gmail.com)**, Web:** [**www.recindia.nic.in**](http://www.recindia.nic.in)

**No. REC/TECH/SAU-006/157 Date: 30.07.2018**

**To**

**The Commissioner (Power)**

**Government of Manipur**

**Imphal -795001**

**Subject: Project for providing last mile connectivity and electrification of 98187 rural households in rural areas (grid)/ providing Solar Photo Voltaic (SPV) based standalone systems for electrification of 196 rural households and for 3833 nos. economically poor un-electrified households in urban areas in 9 districts of Manipur State under the GOI scheme, “Pradhan Mantri Sahaj Bijili Har Ghar Yojana (SAUBHAGYA)” Scheme for Universal Household Electrification.**

**Respected Sir,**

**This has reference to the proposal /DPRs submitted by the state for consideration of sanction of Rs. 168.00 Cr (excluding contingency) for electrification of households under “Pradhan Mantri Sahaj Bijili Har Ghar Yojana (SAUBHAGYA)” Scheme for Universal Household Electrification, as per details below:-**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Sl.**  **No.** | **Description** | **Unit** | **RURAL GRID** | **URBAN GRID** | **RURAL OFF-GRID** | **TOTAL** |
|  | **No. of UE Households** | **No.** | **98,187** | **3,833** | **196** | **1,02,216** |
|  | **Proposed Outlay** | **Rs. Cr** | **161.14** | **5.82** | **1.12** | **168.08** |

**The Monitoring Committee in its meeting held on 09.07.2018 has approved a project cost of 103.58 (one hundred three and crore fifty eight lakhs) for providing last mile connectivity and electrification of 1,02,216 nos. rural households (grid/off grid) and urban households in 9 districts of Manipur State. This amount comprises of 88.05 cr. grant (85%) and balance 15.54 cr. (utility contribution 5% plus loan component 10%). Further 50% of total loan component (10%) i.e. 5% of the project cost would also be eligible for additional grant from Govt. of India on achievement of prescribed milestones, which amounts to 5.18 cr. The sanction accorded by the Monitoring Committee for electrification of Rural (Grid and Off Grid) and Urban is mentioned below:-**

1. ***Rural (Grid):***

***(Rs. In crore)***

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Un-electrified Households (Nos.)** | **Service Connec-**  **tion @Rs. 3000 per HH** | **Last Mile connectivity@1500 per HH** | **Addi-**  **tional infra cost** | **Total sanctioned cost** | **GoI share (Grant @85%)** | **GoI share (additional Grant@5%)** |
| **98.187** | **29.46** | **14.73** | **56.69** | **100.88** | **85.75** | **5.04** |

1. ***Rural (off-Grid:***

***(Rs. In crore)***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Un-electrified Households (Nos.)** | **Cost per household (Rs.)** | **Total Cost** | **GoI share (Grant@85%)** | **GoI share (additional Grant@5%)** |
| **196** | **50,000** | **0.98** | **0.83** | **0.05** |

1. ***Urban:***

***(Rs. In crore)***

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Un-electrified Households (Nos.)** | **Service Conn--**  **ection @ Rs. 3000 per HH** | **Last Mile connect-**  **ivity@1500 per HH** | **Additional infra cost** | **Total sancti- oned cost** | **GoI share (Grant@ 85%)** | **GoI**  **share (additional Grant@**  **5%)** |
| **3,833** | **1.15** | **0.57** | **--** | **1.72** | **1.47** | **0.09** |

**The approval is subject to the terms and conditions set out in the operational guidelines issued by Ministry of Power vide OM F. NO.44/2/2016-RE dated 11.10.2017 and 20.10.2017 respectively.**

**Further, above sanction is subject to following conditions:**

1. **This sanction is in supersession to earlier sanction accorded by the Monitoring Committee for Saubhagya Scheme.**
2. **Fund release under Saubhagya would be made on the basis of actual number of un-electrified households given electricity connections under the scheme. The sanction under Saubhagya would stand revised on reduction in number of households proportionately for cost of service connection as well as for the cost of last mile connectivity and additional infrastructure sanctioned by the Monitoring Committee.**
3. **Manipur/MSPDCL has to first complete balance BPL households under DDUGJY which have already been sanctioned but yet to be given electricity connection to electrify un-electrified BPL households and in case adequate BPL households are not found in the project areas, State would release electricity connections to other than poor households as provided in the Saubhagya guidelines. Such number of households shall not be considered for funding of service connection cost under Saubhagya to avoid any possibility of duplication. Any savings on account of reduction in scope of sanctioned BPL households should not be utilized for any other purposes without obtaining prior approval of the Monitoring Committee.**
4. **The number of balance sanctioned BPL households under DDUJGY (including RE Component) and the number of households sanctioned under Saubhagya are indicated at *Table –A of Annexure I.***
5. **Manipur/MSPDCL is allowed the flexibility to utilize the eligible cost toward last mile connectivity anywhere within MSPDCL with the approval of concerned MD of MSPDCL and anywhere within the State across MSPDCL with the approval of concerned Commissioner (Power)/competent authority of Manipur State to achieve universal electrification. The details of such diversions/deviations approved by the MD of MSPDCL etc. of State should immediately be sent to REC and Ministry of power for necessary satisfaction by the Monitoring Committee.**
6. **The infrastructure already sanctioned under DDUGJY (including RE Component) should be first utilized for creating access to remaining households and the target may be revised accordingly taking into account the infrastructure sanctioned under Saubhagya. The details of balance sanctioned infrastructure under DDUGJY is indicated at *Table-B of Annexure-I.***
7. **Solar PV based standalone systems should be provided for un-electrified households located in villages electrified through off-grid mode only. All remaining un-electrified households in grid connected villages should be electrified through grid only. In case, for those households extremely remote and scattered and technically not feasible, the average cost of extending grid to some of the households located in already electrified villages is extremely high and is more than that of providing solar systems, the same may be considered for electrification through solar system on case to case basis with proper techno-economic justification. On the basis of DPR, tentative number of households to be electrified through off-grid mode has been considered for provisional sanction. However, the number would be revised to the actual number of households electrified in accordance with the criteria mentioned above. Further, the capacity of the solar system should be adopted suitably in accordance with insolation levels prevailing in respective project areas.**

**The above sanction accorded by the Monitoring Committee is subject to the recommendation of the State Level Standing Committee (SLSC) of the state. Further, it is resolved that the criteria for identification of households for providing free electricity connections in urban areas may be finalized by State with the approval of SLSC and the adopted criteria shall be informed to REC and Ministry of Power.**

**Ministry of Power, Government of India / REC may from time to time issue amendments/directions for compliances of Utilities for smooth implementation of the Saubhagya.**

**The payment of grant against the above project will be released only on receipt of grand from Government of India.**

**Further, it is requested to kindly arrange to send the acceptance of the sanction (in the enclosed format as Annexure II) to REC.**

**Thanking You,**

**Yours faithfully,**

**Sd/-**

**[RL Saikia]**

**Chief Program Manager**

**Copy to:**

**1. The Chief Secretary, Govt. of Manipur, Imphal**

**2. The Managing Director, Manipur State Power Dist. Co. Ltd. Imphal.”**

[11] The major allegation for misappropriation of fund by the MSPDCL officials are that on verification of the transport documents and factory invoices furnished, there are the following shortcomings :

1. 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.
2. 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 suggests table measurement. In the absence of full sets of documents, there is scope for manipulation in the supply for the above items.
3. 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.
4. 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
5. 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 25.64x3km i.e. 76.92 km of conductor against the supply the supply of 52.86 km. This is quite absurd measurement.
6. If physical Measurement Book (MB) are used instead of e-MBs, 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.
7. No insurance policy for the materials on transit is attached in the transport challan and claim for insurance should have been out rightly rejected.
8. 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.

[12] In the course of preliminary inquiry into the allegations made in the complaint, the Inquiry Officer seized the following documents:

**IMPHAL EAST DISTRICT (*Table 1)***

|  |  |  |
| --- | --- | --- |
| **Sl.**  **No** | **Files Name / No.** | **No. of Note Sheets** |
|  | **File No. 2/200(SAUBH-IE)/2019-MSPDCL-TECH** | **2** |
|  | **PMU-III/SAUB/Imphal East** | **-** |
|  | **Jiri Survey Report SAUBHAGYA** | **-** |
|  | **MB Book Imphal East- 3/IED-IV/MSPDCL** | **-** |
|  | **MB Book Imphal East- 3P/IED-IV** | **-** |
|  | **MB Book Imphal East- 2P/IED-IV** | **-** |
|  | **MB Book Imphal East- 1P/IED-IV** | **-** |
|  | **Imphal East Saubhagya Supply Bills – 1st, 2nd, 3rd, 4th Erection 1st** | **5** |

**IMPHAL WEST DISTRICT (*Table 2)***

|  |  |  |
| --- | --- | --- |
| **Sl. No** | **Files Name / No.** | **No. of Note Sheets** |
|  | **File No. 2/201(SAUBH-IW)/2019-MSPDCL-TECH** | **1** |
|  | **SAU/IED-III/Infra Survey** | **-** |
|  | **PMU-III/SAUB/Imphal West** | **-** |
|  | **MB Book Imphal West- 35/IED-II/2019** | **-** |
|  | **MB Book Imphal West- 54/IED-II/2021** | **-** |
|  | **MB Book Imphal West- 46/IED-II/2020** | **-** |
|  | **Imphal West Saubhagya 1st and 2nd Supply Bill 1st Erection Bill** | **-** |
|  | **Industrial IW Final Erection Bill & Supply Bill BPR Final Supply Final Erection Bill** | **-** |

**CHURACHANDPUR DISTRICT (*Table 3)***

|  |  |  |
| --- | --- | --- |
| **Sl. No** | **Files Name / No.** | **No. of Note Sheets** |
|  | **File No. 2/199(SAUBH-CCP)/2019-MSPDCL-TECH** | **9** |
|  | **Survey Report (3rd Phase)/Bishnupur Division/Churachandpur District** | **-** |
|  | **Village Survey Report Churachandpur District** | **-** |
|  | **MB Book Churachandpur – 07/CPD** | **-** |
|  | **MB Book Churachandpur – 10/CPD** | **-** |
|  | **Supply Bill (1st, 2nd, 3rd, 4th & 5th ) Ccpur** | **-** |
|  | **Erection Bill (1st, 2nd, 3rd & 4th ) Ccpur** | **-** |

**THOUBAL DISTRICT (*Table 4)***

|  |  |  |
| --- | --- | --- |
| **Sl. No** | **Files Name / No.** | **No. of Note Sheets** |
|  | **File No. 2/204(SAUBH-TBL)/2019-MSPDCL-TECH** | **2** |
|  | **Approved SLD Lilong, Thoubal** | **-** |
|  | **Survey Report Thoubal Part-II** | **-** |
|  | **Survey Report Thoubal Part-I** | **-** |
|  | **MB Book Thoubal – 1/DGM/Thoubal/SAUBH/13-20** | **-** |
|  | **Thoubal (1st, 2nd, 3rd, 4th & 5th ) Supply Bill** | **3** |
|  | **Thoubal 1st Erection Bill** | **1** |
|  | **Thoubal (2nd & 3rd Erection Bill)** | **2** |

**UKHRUL DISTRICT (*Table 5)***

|  |  |  |
| --- | --- | --- |
| **Sl. No** | **Files Name / No.** | **No. of Note Sheets** |
|  | **File No. 2/205(SAUBH-UKL)/2019-MSPDCL-TECH** | **2** |
|  | **Saubhagya-Ukhrul 1st Phase** | **-** |
|  | **Saubhagya-Ukhrul Survey 2nd Phase** | **-** |
|  | **3rd Phase Saubhagya Ukhrul** | **-** |
|  | **MB Book Ukhrul – 19/UED/08** | **-** |
|  | **MB Book Ukhrul – 06/UED/2019** | **-** |
|  | **MB Book Ukhrul – 07/UED/2019** | **-** |
|  | **MB Book Ukhrul – 08/UED/2020** | **-** |
|  | **Ukhrul Supply Bill (1st, 2nd, 3rd, 4th,& 5th )** | **-** |
|  | **Ukhrul Erection Bill (1st, 2nd, 3rd)** | **-** |

**TAMENGLONG DISTRICT (*Table 6)***

|  |  |  |
| --- | --- | --- |
| **Sl. No** | **Files Name / No.** | **No. of Note Sheets** |
|  | **2/202 (SAUBH-TML)/2019-MSPDCL-TECH/** | **6** |
|  | **SAUB/TML NONEY** | **-** |
|  | **MB Book Tamenglong – TML/SAUBHAGYA/01** | **-** |
|  | **MB Book Tamenglong – TML/SAB/03** | **-** |
|  | **MB Book Noney – DGM/NNY/03** | **-** |
|  | **Saubhagya (CAT-II) Tamenglong Division** | **-** |
|  | **KTC Erection Liability Bill Saubhagya Scheme Noney Division** | **-** |
|  | **KTC Erection Liability Bill Saubhagya Scheme Tamenglong Division** | **-** |
|  | **KTC Supply Liability Bill Saubhagya Scheme Tamenglong Division** | **-** |

**BISHNUPUR DISTRICT (*Table 7)***

|  |  |  |
| --- | --- | --- |
| **Sl. No** | **Files Name / No.** | **No. of Note Sheets** |
|  | **2/197 (SAUBH-BPR)/2019-MSPDCL-TECH/** | **7** |
|  | **2019/PMU-III/SAUBHAGYA/MSPDCL/BPR** | **-** |
|  | **MB Book Bishnupur-26/2015/Bpr, Saubhagya** | **-** |
|  | **Bishnupur Saubhagya 1st Erection Bill 1st and 2nd Supply Bill** | **3** |

**CHANDEL DISTRICT (*Table 8)***

|  |  |  |
| --- | --- | --- |
| **Sl. No** | **Files Name / No.** | **No. of Note Sheets** |
|  | **2/198 (SAUBH-CDL)/2019-MSPDCL-TECH/** | **-** |
|  | **Approved Chandel SLD** | **-** |
|  | **MB Book Chandel – 7/M/S/MSPDCL/CDL** | **-** |
|  | **MB Book Chandel – 7/M1/S/MSPDCL/CDL** | **-** |
|  | **MB Book Chandel – 7/S/MSPDCL/CDL** | **-** |
|  | **MB Book Chandel – 8/E/MSPDCL/CDL** | **-** |
|  | **Chandel / Tengnoupal 2nd Erection Bill** | **-** |

**SENAPATI DISTRICT (*Table 9)***

|  |  |  |
| --- | --- | --- |
| **Sl. No** | **Files Name / No.** | **No. of Note Sheets** |
|  | **2/203 (SAUBH-SPT)/2019-MSPDCL-TECH/** | **15** |
|  | **Senapati Survey Report SLDs** | **-** |
|  | **Kangpokpi SLD** | **-** |
|  | **MB Book Senapati – 9/SD MSPDCL** | **-** |
|  | **MB Book Senapati – 10/SD MSPDCL** | **-** |
|  | **MB Book Senapati – 12/SD MSPDCL** | **-** |
|  | **MB Book Senapati – 13/SD MSPDCL** | **-** |
|  | **MB Book Senapati – 14/SD MSPDCL** | **-** |
|  | **Senapati Supply Bill (1st, 2nd, 3rd, 4th & 5th )** | **-** |
|  | **Senapati (6th, 7th, 8th – Supply Bills)** | **-** |
|  | **Saubhagya Senapati Final Supply Bills** | **-** |
|  | **SPT Saubhagya Erection Bill** | **-** |

**MSPDCL (*Table 10)***

|  |  |  |
| --- | --- | --- |
| **Sl. No** | **Files Name / No.** | **No. of Note Sheets** |
|  | **File No. 05/7/2021/PMU-III/SAU-CLOSURE/MSPDCL/(SAUBHAGYA CLOSURE)** | **2** |
|  | **Sanction Order for SAUBHAGYA Scheme from REC to Commissioner** | **8** |
|  | **Detailed Project Report** | **-** |
|  | **2/138 (Saubhagya-TK)/2018-MSPDCL-TECH/** | **6** |
|  | **2/163 (SAUBH-Turnkey)/2018-MSPDCL-TECH/** | **5** |
|  | **18/1/SAUBHAGYA/UC/F&A/2018-19/MSPDCL** | **6** |
|  | **18/12/PMU-III(MSPDCL)/SAUBHAGYA/2017** | **3** |
|  | **18/1/SAUB/T&T/CORP/F&A/2019-20/MSPDCL (T&T Projects)** | **5** |
|  | **18/1/SAUB/T&T/CORP/F&A/2022-23/MSPDCL (T&T Projects)** | **2** |
|  | **18/1/SAUB/T&T/CORP/F&A/2020-21/MSPDCL (T&T Projects)** | **12** |
|  | **18/1/SAUB/SHYAM/CORP/F&A/2018-19/MSPDCL** | **21** |
|  | **18/1/SAUB/SHYAM/CORP/F&A/2020-21/MSPDCL** | **8** |
|  | **18/1/SAUB/SHYAM/CORP/F&A/2021-22/MSPDCL** | **3** |
|  | **18/1/SAUB/SHYAM/CORP/F&A/2022-23/MSPDCL** | **2** |
|  | **18/1/SAUB/INDUS/CORP/F&A/2020-21/MSPDCL** | **7** |
|  | **18/1/SAUB/INDUS/CORP/F&A/2018-19/MSPDCL** | **1** |
|  | **18/1/SAUB/INDUS/CORP/F&A/2019-20/MSPDCL** | **7** |
|  | **18/1/SAUB/KTC/CORP/F&A/2019-20/MSPDCL** | **4** |
|  | **18/1/SAUB/KTC/CORP/F&A/2020-21/MSPDCL** | **3** |
|  | **2/127/Saubhagya/2018-MSPDCL-TECH** | **9** |
|  | **2/127/Saubhagya/Pt.-A/2018-MSPDCL-TECH** | **6** |
|  | **2/162(Saubhagya-Kits)/2018-MSPDCL-TECH** | **6** |
|  | **2/149(Saubh-EC)/2018-MSPDCL-TECH** | **5** |
|  | **Beneficiary List of IED-II** |  |
|  | **Beneficiary List of IED-III** |  |
|  | **Beneficiary List of IED-IV** |  |
|  | **Beneficiary List of Jiribam** |  |
|  | **Beneficiary List of Bishnupur Division** |  |
|  | **Beneficiary List of Thoubal Division** |  |
|  | **Beneficiary List of Kakching Division** |  |

[13] Further, during the course of the preliminary inquiry, the Inquiry Officer recorded the statement of the following officials and individuals :

|  |  |  |
| --- | --- | --- |
| **Sl. No.** | **Particulars** | **Date of Recording** |
|  | **Ng. Kiran Kumar (54 years) S/O Ng. Kesha of Khurai Thangjam Leikai.** | **19.04.2023** |
|  | **Shri L. Selungba Singh (Retd.) (70 years) S/O (L) L. Chaoba Singh of Khongjam Sapam Laibung Leikai, Thoubal District.** | **06.11.2023** |
|  | **Shri N. Saratchandra Singh (Retd.) (68) yrs. S/O (L) N Shamungou Singh of Heingang, Imphal East** | **06.11.2023** |
|  | **Shri Ch. Rajbabu Singh (Retd.) (62) yrs. S/o Late Ch. Thambou of 2nd MR Gate, North AOC, Kabo Leikai, Imphal East** | **06.11.2023** |
|  | **M. Rabi Singh (49) yrs. S/O (L) M. Ibochouba Singh of Ningthoukhong ward no. 2, Bishnupur district** | **07.11.2023** |
|  | **B. Ibomcha Sharma (74) yrs. S/O (L) B. Thakurdon Sharma of Palace Compound, Imphal** | **07.11.2023** |
|  | **Shri O. Kartik Singh (Retd.) (67) yrs. of Pishumthong Oinam Leikai, Imphal West** | **08.11.2023** |
|  | **Shri Chandramani Mangsatabam (45 years) of Laimanai, Langol, Imphal West** | **08.11.2023** |
|  | **Shri Ph Jibonkumar Sharma (Retd.) (64) yrs.s/o (L) Ph Tombi Sharma of Keishamthong Top Leirak, Imphal** | **08.11.2023** |
|  | **Shri Laishram Priyokumar Singh (Retd.) (63) yrs.s/o (L) L Manickchand Singh of Pishum Ningom Leirak, Imphal West** | **08.11.2023** |
|  | **Shri A. Ibotomba Meetei (56) yrs. S/O A Damodar Meetei of Tera Loukrakpam Leikai, Imphal West** | **09.11.2023** |
|  | **Shri N. Khagemba Mangang (41) yrs. S/O N Inakhunba Singh of Kwakeithel Thounaojam Leikai, Imphal West** | **09.11.2023** |
|  | **Shri Yumnam Chaoba Singh (58 years) of Thoubal Athokpam Makha leikai** | **16.11.2023** |
|  | **Shri L. Joykumar Singh Retd (64 years) of Nambol Laitonjam Makha Leikai P.O / P.S. Nambol** | **16.11.2023** |
|  | **Shri Ng Subhachandra Singh (61 years) of Khabam Chumbreikon P.O. Mantripukhi Imphal East P.S. Heingang** | **17.11.2023** |
|  | **Shri Hijam Shantikumar Singh (60 years) S/O (L) H Yaima Singh of Sagolband Tera Yengkhom Leirak, Imphal** | **17.11.2023** |
|  | **Shri Chitraprakash Saikhom (38 years) S/O Saikhom Bhagirath Singh of Sagolband Bijoy Govinda Mamang leikai, Imphal** | **17.11.2023** |
|  | **Shri Irom Saratchandra Singh (48 years) S/O Irom Nabachandra Singh of Lilong Chajing Bazar, Imphal West -795130 presently at Lamphel Super Market PDA Complex #79, Imphal** | **17.11.2023** |
|  | **Shri Birjit Ningombam (35 years) s/o N Bhaigya Singh of Bashikhong Mamang Leikai, Imphal East** | **20.11.2023** |

[14] The Inquiry Officer along with the Technical Appraisal Team made spot inspection and field verification and submitted the report that about 80 (righty) work sites/habitations/villages under the Saubhagya Scheme were inspected from March, 2023 to November, 2023 and submitted the following report :

**“Field Verification/Spot Inspection of about 80 (Eighty) work sites/ habitations/ villages under the Saubhagya Scheme were inspected by the Inquiry team in the course of the Inquiry of the case from March, 2023 to November, 2023. In the spot inspection, major installations like 25KVA DTR, 63KVA DTR, 100 KVA DTR, 8m STPs, Double Pole 9m STPs etc. were checked for erection at the approved sites. During the inspection, the Inquiry team was accompanied by local police officials, Turnkey Firm associates and Officials of the concerned Electrical Division of MSPDCL.**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Sl. No. | Memo No. | Habitation/Village | Approved Drawing/ Major Installation | Date of Inspection | Remarks |
| **Imphal East District** | | | | | |
|  | Memo No.1 | Yumnam Patlou/ Sagolmang, Imphal East | SLD for Yumnam Patlou 63 KVA DTR | 15.03.2023 | Installation complete |
|  | Memo No.2 | Pukhao Khabam, Imphal East | SLD for Pukhao Khabam 63 KVA DTR | 15.03.2023 | Not charged/Installed |
|  | Memo no. 9 | Heingang Awang Leikai/ Heingang Chonthabi, Imphal East | SLD for Heingang Chonthabi | 06.04.2023 | Installation complete |
|  | Memo no. 10 | Heingang Marjing | SLD for Heingang (CT) Chingya Village 63KVA DTR | 06.04.2023 | 1) Proposed DTR 63 KVA is found.  2) New LT poles are installed, 1 phase line is found.  3) HT poles as double poles of DTR. |
|  | Memo no. 12 | Pheijaleitong, Thonju Pt-II, Imphal East | SLD for Pheijaleitong (63 KVA DTR) | 11.04.2023 | Installation/Erection works completed. 63 KVA DTR (new) is found working at the entrance of lane 6 near Student Welfare CommitteeOffice/Hall |
|  | Memo no. 13 | Sairom Leirak, Kakwa Lamdeibung, Imphal East | SLD for Lamdeibung Sairom Leirak 63 KVA DTR Thongju CT | 11.04.2023 | Erection works seen as approved. |
|  | Memo no. IE  no. 1 | Uran Chiru, Kongba Sub-Division, Imphal East | Erection works/ installation of 63 KVA DTR@Uran Chiru. | 02.05.2023 | 63 KVA DTR(new) at Koirou (Thongju CT) is shifted to Uran Chiru. Erection works are seen. |
| **Imphal West District** | | | | | |
|  | Memo no. 4 | Phayeng Sabal Leikai | SLD for Phayeng Sabal Leikai 63 kVA | 17.03.2023 | 3 (three) 8 mm STPs are erected near the residence of one Angom Memchoubi Devi (56), Phayeng Sabal Leikai and one AngomYangei Singh. |
|  | Memo no. 5 | Phayeng Makha Leikai | SLD for Phayeng Makha Leikai | 17.03.2023 | New LT 8m pole 2(two) numbers are seen erected near the residence of one Angom Leiriyao Singh (61), Phayeng Makha Leikai. |
|  | Memo no. 6 | Khumbong Mamang Leikai near PHC/Vetinary. | SLD for Awang Khunou | 30.03.2023 | Installation is found. |
|  | Memo no. 7 | Khumbong Moibung Khongnang Khong | SLD for Awang Khunou DTR | 30.03.2023 | Installed |
|  | Memo no. 8 | Maklang Makha Leikai | SLD for Maklang DTR | 30.03.2023 | Installation is done. |
|  | Memo no. 11 | Nongchup Kameng, Imphal West | SLD for Kameng 63 KVA (New) | 10.04.2023 | new DTR 63 KVA @ PHSC Kameng.8m STP – 29 (twenty nine) poles are erected in the area. |
|  | Memo no. IE2 | Thongkhong Laxmi Bazar, Huidrom Mayai Leikai | SLD for Huidrom Laxmi Bazar 100 KVA DTR (new), Imphal West. | 02.05.2023 | Erection/Installation completed. |
|  | Memo no. IE3 | Shamushang Shantipur Awang Community Hall | SLD for Shamushang Shantipur Awang 63 KVA, IED-III | 02.05.2023 | Non-functional DTR/ Installed. |
|  | Memo no. IE4 | Wangoi Khongnang Makhong. | SLD for 100 KVA DTR Wangoi Khongnang Makhong (New) | 02.05.2023 | Installation of 100 KVA DTR is seen. |
|  | Memo no. IE5 | Samurou Kangjeibung | SLD for 63 KVA DTR Samurou Kangjeibung Lampak. | 02.05.2023 | Installation seen (63 KVA DTR) |
|  | Memo no. IE6 | Samurou Machu Cinema Hall Mamang | SLD for 100 KVA (DTR) Samurou Machu Cinema Hall Mamang. | 02.05.2023 | Installation as per SLD is detected. |
|  | Memo no. IED 1 | Meitram Maning Leikai | 63 KVA DTR Meitram Maning Leikai | 02.05.2023 | Installation of 63 KVA DTR(New) is detected. |
|  | Memo no. IW 30 | Laphupat Tera Khunou, Imphal West | Laphupat Tera Makha Maning 25 KVA DTR/Imphal West | 27.07.2023 | Installed as in SLD. |
|  | Memo no. IW 31 | Laphupat Tera Khordak Khongban, Mayang Imphal, IW | Laphupat Tera Makha Awang 63 KVA | 27.07.2023 | Installed. |
| **Bishnupur District** | | | | | |
|  | Memo No. K2 | Naodakhong Chingya | DTR with LT line at Kumbi (Kumbi Kangjeibung) Village (25 KVA) | 20.05.2023 | Installation completed. |
|  | Memo No. K3 | Wangoo Sabal Makha | DTR with LT line at Wangoo Ahallup (Wangoo Sabal Makha) village (100 KVA) | 20.05.2023 | Installation is seen as in survey report. |
|  | Memo No. K4 | Terakhong Makha | Propose DTR with LT line at Wangoo Koirap (Terakhong Makha) village (63 KVA) | 20.05.2023 | DTR (new) 63 KVA is installed at site. |
|  | Memo No. BPR 1 | Ishok Mutumyangbi, Nambol Sub-Division | 63 KVA DTR at Ishok Village | 19.06.2023 | Installation as per survey report of propose DTR with LT Line at Ishok Village is seen at Site |
|  | Memo No. BPR 2 | Ngaikhong Khullen (Siphai Mamang), BPR | Propose DTR (63 KVA) at Ngaikhong Khullen, BPR | 21.06.2023 | Installation of New DTR (63 KVA) is seen at the site. |
|  | Memo No. BPR 3 | Nachou Panthong, BPR | Propose DTR with LT line @ Nachou | 21.06.2023 | Installation/Erection works are seen at site as per survey report. |
|  | Memo No. BPR 4 | Tengkhal Khunou (Joypur Khunou) (Khwairakpam), BPR | Propose DTR @ Joypur Khunou | 21.06.2023 | Installation as per survey report. |
|  | Memo No. BPR 5 | Khoijuman Khunou Maning, BPR | Propose DTR (100 KVA) @ Khoijuman Khunou Maning | 21.06.2023 | Installation is present at the site as per survey report. |
|  | Memo No. BPR 6 | Nachou Awang (Mayai), BPR | Propose DTR (25 KVA) @ Nachou Awang | 21.06.2023 | Installation is seen as per survey report at the site. |
|  | Memo No. BPR 7 | Thinungei Makha Mamang, BPR | Propose DTR (25 KVA) @ Thinungei | 21.06.2023 | Installed/Erected as depicted in the survey report. |
|  | Memo No. KUMBI 1 | Kumbi Anandapur | SLD for Kumbi Anandapur Wathal Lambi (25 KVA) | 27.04.2023 | Installation/erection works of 25 KVA DTR is seen as in SLD. |
| **Jiribam District** | | | | | |
|  | Memo No. J1 | Narayanpur, Jiribam District (near Narayanpur LP School) | SLD for Narayanpur, Jiribam District, Manipur DTR | 18.04.2023 | Erection/Installation completed. |
|  | Memo No. J2 | Gothaikhal, Narayanpur, Jiribam | Approval SLD for Narayanpur DTR (Gotaikhal), Jiribam | 18.04.2023 | Erection/Installation seen as in SLD. |
|  | Memo No. J3 | Dholakhal, Takaradhor Part-II, Jiribam District | SLD for Takaradhor Pt-II, Dholakhal, Jiribam DTR | 18.04.2023 | Erection works/Installation complete 25 KVA DTR is present. |
|  | Memo No. J4 | Harinagar (63 KVA), Jiribam district | Approval SLD for Harinagar, Jiribam (63 KVA) | 18.04.2023 | 63 KVA DTR transformer installed at site. LT poles erected as per SLD. |
|  | Memo No. J5 | Nungsekpunji (Jiribam/Pherjawl district) | STPs/Line extension | 18.04.2023 | STPs are installed. |
|  | Memo No. J6 | Phailenthang Punjee Bazar | Line extension STPs | 18.04.2023 | Installed |
|  | Memo No. J7 | Makha Basti, Jiribam | DTR @ Makha Basti | 18.04.2023 | Installation completed |
|  | Memo No. J8 | Makha Basti (Betkhal), Jiribam District | DTR, Betkhal Makha Basti, Jiribam | 18.04.2023 | Installed. |
|  | Memo No. JBM 20 | Nungkhal, Jiribam District | DTR@ Nungkhal, Jiribam District | 18.04.2023 | Installed. |
|  | Memo No. JBM 21 | Tilka Company, Jiribam District. | DTR @ Tilka Company, Jiribam District. | 19.04.2023 | The DTR was initially installed in the low lying field but due to inundation of water, it has been shifted to a higher ground. The new DTR is installed near a Community Hall (Mandop) |
|  | Memo No. J9 | Jarolpokpi (Mongbung East), Jiribam District | Approved SLD for Jarolpokpi (Mongbung East), 25 KVA DTR | 19.04.2023 | Installation completed. |
|  | Memo No. J10 | Mullargaon South, Jiribam | Approved SLD for Mullargaon South, Jiribam, 25 KVA | 19.04.2023 | Installation of electrical equipments seen as in SLD. |
|  | Memo No. J11 | Baiboni, Borobekhra, C.D. block, Jiribam | SLD for Baiboni 63 KVA DTR, Jiribam District | 19.04.2023 | Installation completed |
|  | Memo No. J12 | Latingkhal, Ward no. 5 Jiribam District | Latingkhal, 63 KVA DTR ,Jiribam district. | 19.04.2023 | Installation completed |
| **Chandel District** | | | | | |
|  | Memo No. CDL 1 | New Heibunglok, Chandel District | SLD for New Heibunglok, 25 KVA DTR | 26.04.2023 | Installation/erection works seen as per SLD/25 KVA DTR installed |
|  | Memo No. CDL 2 | Hringkhu, Zaphou, Chandel near Indoor Stadium | SLD for DTR Hringkhu, Zaphou, Chandel district. | 26.04.2023 | Installation/ erection works seen as per SLD/25 KVA DTR installed |
|  | Memo No. CDL 3 | Hnatham Village, Chandel | SLD for DTR Hnatham Village, Chandel | 26.04.2023 | Erection works/Installation of 25 KVA DTR and STPs are seen. |
|  | Memo No. CDL 4 | Chandel Christian | SLD for DTR Chandel Christian Village | 26.04.2023 | Installation of 63 KVA DTR is seen.  Erection works of STPs seen. |
| **Thoubal District** | | | | | |
|  | Memo No. TBL 1 | Langathel Mamang Leikai, Thoubal District | Langathel Mamang Leikai, 25 KVA DTR | 26.06.2023 | Installation/erection works are seen as in the survey report. |
|  | Memo No. TBL 2 | Papal Maning Leikai, Thoubal District. | 25 KVA DTR for Papal Maning. | 26.06.2023 | Installed as in survey. |
|  | Memo No. TBL 3 | Papal Laibung (Irum Ningthou Laibung) | 250 KVA DTR Papal Laibung, Thoubal district | 26.06.2023 | Installation is seen as depicted. |
|  | Memo No. TBL 4 | Heibung Maning, Tentha, Thoubal district. | 63 KVA DTR, Tentha Heibung Maning, Thoubal District | 26.06.2023 | Installation of 63 KVA DTR is seen. |
|  | Memo TBL 5 | Tentha Khongpokpi, Thoubal District. | 63 KVA DTR Tentha Khongpokpi | 26.06.2023 | Installed. |
|  | Memo No. TBL 10 | Purna Heitupokpi Part-I, P.O – Wangjing | 63 KVA DTR Heitupokpi Part-I, Thoubal district | 13.07.2023 | 63 KVA new DTR is installed. |
|  | Memo No. TBL 11 | Heirok Bamol Leikai, Thoubal district | Heirok Part-II Bamol Leikai Thoubal district DTR | 13.07.2023 | DTR is installed near water supply construction area. |
|  | Memo No. TBL 12 | Heirok Turel Wangma | Heirok Turel Wangma 63 KVA DTR | 13.07.2023 | Installed. |
|  | Memo No. TBL 13 | Heirok Dhakalok | 25 KVA DTR Heirok Dhakalok | 13.07.2023 | Installed. |
|  | Memo No. TBL 14 | Heitupokpi Moirangthem /Maharani Loukol | 63KVA DTR Purnaheitupokpi Moirangthem | 13.07.2023 | Installed. |
|  | Memo No. TBL 15 | Langathel Khunou | SLD for 63 KVA DTR Purnaheitupokpi | 13.07.2023 | Shifted to Langathel Khunou from Purnaheitupokpi |
|  | Memo No. TBL 16 | Khangabok Moirang Palli Leikai | 25 KVA DTR Palli Machin | 13.07.2023 | Two 25 KVA new DTRs are installed @ Palli Machin and Palli Maning as per survey report. |
| 25 KVA DTR Palli Maning |
|  | Memo No. TBL 20 | Thoubal Khunou | 25 KVA DTR Thoubal Khunou | 14.07.2023 | Installed. |
|  | Memo No. TBL 21 | Moijing Chingya Leikai | 25 KVA DTR Moijing | 14.07.2023 | Installed. |
|  | Memo No. TBL 22 | Irong Chesaba Makha Leikai | 25 KVA DTR Irong Chesaba | 14.07.2023 | Installed. |
|  | Memo No. TBL 23 | Chaobok Co Palli/Lilong Tharaorok | 25 KVA DTR Chaobok Palli | 14.07.2023 | Installed. |
|  | Memo No. TBL 24 | Lilong Atoukhong | 25 KVA DTR Lilong Atoukhong | 14.07.2023 | Installed. |
|  | Memo No. TBL 25 | Lilong Haoreibi Khulakpam Salam | 25 KVA DTR Khulakpam Salam | 14.07.2023 | Installation is seen at the spot. |
|  | Memo No. TBL 26 | Lilong Loutara | 25 KVA DTR Lilong Loutara | 14.07.2023 | Installed. |
|  | Memo No. TBL 27 | Lilong Chandrakhong Mamei/Haoreibi Mayai Leikai | 25 KVA DTR Lilong Chandrakhong Mamei | 14.07.2023 | Installed (Shifted from the original place to the present location of Lilong Haoreibi Mayai Leikai). |
|  | Memo TBL 28 | Darul Uloom/ Loumanga, Lilong | 25 KVA DTR Lilong Loumanga | 14.07.2023 | Installed. |
|  | Memo TBL 41 | Tekcham Chingya Leikai/Bazar | LT Line Extension | 24.11.2023 | Installed |
|  | Memo No. TBL 42 | Tentha Mayeng Ching | LT Line Extension | 24.11.2023 | Installed |
| Tentha Khongban Mathak |
| **Kakching District** | | | | | |
|  | Memo No. 14 | Lamjao Upper Primary School, Kakching District | SLD for Lamjao Upper Primary/Langmeidong Taret Khul, DTR Kakching District | 12.04.2023 | Erection works/Installation completed. |
|  | Memo No. KCG 10 | Kakching Khuman | 25 KVA DTR Kakching Khuman | 14.07.2023 | Installed. |
|  | Memo No. KCG 11 | Laimanai/Kakching Lamkhai | 25 KVA DTR Laimanai Khuman | 15.07.2023 | Initially, at the spot @ Laimanai, 63 KVA DTR of another design and make is found. Later, the 25 KVA DTR under SAUBHAGYA is found at Kakching Lamkhai as informed by the DGM. |
|  | Memo No. KCG 13 | Uchiwa Nastao Mayai Leikai/ Uchiwa Mamang Leikai. | 25 KVA DTR Uchiwa Mamang Leikai. | 15.07.2023 | Installed. |

[15] The Inquiry Officer also considered the Agreement for implementation of the Saubhagya Scheme in the different districts of Manipur and also gave his finding regarding the ongoing implementation of the schemes in different districts of Manipur. In page 40 to page 44 of the Preliminary Inquiry Report, he made the findings relating to the allegations made in the Complaint that :

**“Comments on the allegations made in the complaint from the concerned Public Servant as well as competent authority under 20(2) of Manipur Lokayukta Act, 2014**

**7.38 Shri Ng Subhachandra Singh (61 years) of Khabam Chumbreikon P.O. Mantripukhi Imphal East P.S. Heingang who is now serving as Managing Director, MSPCL has submitted para wise comment and stated that there was no manipulation done during the implementation of Saubhagya Scheme. The scheme was executed in the true spirit of work and there has not been any single misappropriation of public money. In fact, the scheme was executed in record time in the history of the department and was appreciated by the Ministry of Power. As such, an additional 5% grant was awarded for timely completion of the scheme. [Page no.527-533]**

**7.39 Shri Hijam Shantikumar Singh (60 years) S/O (L) H Yaima Singh of Sagolband Tera Yengkhom Leirak, Imphal who is now serving as Managing Director, MSPDCL has submitted para wise comment and stated that review and monitoring of scheme was being done at the highest level for the scheme and no manipulating/corruption was carried out by MSPDCL officials. Therefore, the allegation/complaint regarding misuse of public fund for Saubhagya scheme is baseless and without any foundation. The allegations being made are half-cooked and based on some here-say, speculation and imagination. All the works were completed as per specifications and the allegations made are not true. [Page no. 527-533]**

**7.40 The public servants whose statement had been recorded have submitted their comments on the allegations and denied all the allegations made in the complaint and stated them as baseless and unfounded and not to be true. [*Page no.527-533*] Application on written comments from competent authority as per relevant section of Manipur Lokayukta Act,2014 was submitted to the Minister in Charge for want of comments as per letter no 6/ML/DIR(INQ)/2022/133 dated 21.11.2023 (*page no 527*). No comments have been received till date.**

**7.41 Allegation 1: Imphal West District- On verification of the Transport documents and factory invoices furnished, the following shortcomings were observed:**

1. **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.**

**Inquiry has found that in page 1 to 4 of the MB 35/IED-II/2019 used for measurement, the no of 8 m STPs enters tally to 1252. The Tax Invoice submitted by Industrial System with the Annexures IW/ANNEXURE/001-008 in 1st R A supply Bill also tally to 1252 as shown in *page no 534-545***

1. **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 suggests table measurement. In the absence of full sets of documents, there is scope for manipulation in the supply for the above items.**

**Inquiry has found that in MB 35/IED-II/2019, page no 19 entry no 89 to 96 refers to AB Cable and ACSR Conductor Weasel. The Industrial Systems had submitted the annexures i.e. IW/ANNEXURE/012; IW/ANNEXURE/014 IW/ANNEXURE/018-019 in 2nd R A Supply Bill that are attached here as page no . AB Cable are obtained from Crystal Cable Industries, Howrah and Weasel Conductor from Lumino Industries As shown in page (Packing List) Lumino Industries, has supplied 7 (seven) drums of an average length of 7.6km totalling 53.896 kms. (*page no 546-551*)**

1. **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.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 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 25.64x3km i.e. 76.92 km of conductor against the supply the supply of 52.86 km. This is quite absurd measurement.**

**From the Inquiry, we can see that in Erection Invoice (page no) submitted by Industrial Systems IS/IW/RA-008 dated 30/3/2020, under serial no 11(stringing of lines 3 wires)Work done is for 0.54 Ckt km and under serial no 56, 8.32 Ckt Km is work done. So in the final erection Invoice IW-IS/IW/FB/E-001 dated 03.03.2021 for Minus Rs. 8,14,171.50/- submitted by Industrial Systems under Urban New 11 KV line ACSR weasel for New Feeders (1.3 Km) referring to item no. 11 Ckt Km 0.80 (this value also includes 0.54) stringing of line (3 wires). Secondly, under Rural New 11 KV line ACSR weasel for New Feeders (15.48 Km), it is seen under item no. 56 Ckt Km 15.98(this value also includes 8.32) stringing of line (3 wires) which are the actual work done. Hence Minus Rs. 8,14,171.50/- Moreover, Format 2C urban/Rural submitted by DGM during Closure Report/Proposal indicates the actual work done which 0.8 Ckt km and 15.98 Ckt km respectively in IW.(*page no 552-559*)**

**7.42 Allegation 2: Thoubal District: 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 KhongbaI Mathak, Tentha Mayengching at those GPS Coordinates.**

**Findings of the Technical team during field verification and Spot Inspection Report by Inquiry Officer have shown that the major installations including 8 m STPs and DTRs are present at the above sites.(*shown in page 490-491 & page no 526*)**

**7.43 Irregularities by Public Servants/officials:**

**(i) Shri Ng. Subhachandra Singh is the *then* Managing Director, MSPDCL and was posted as MD, MSPDCL from 8.10.2020 to Feb 2023. He was mainly engaged with the Closure proposal of Saubhagya Scheme and has appended his signature on Closure Proposal documents and others in that role. As per the records, materials and evidence collected during the Inquiry, it is concluded that the officer has performed his duty as per law and there is no evidence to prove the allegations.**

**(ii) Shri Laishram Priyokumar Singh served as MD, MSPDCL (In-charge) from May 2018 to Feb, 2020. Household connections were provided during his tenure. Turnkey Firms for implementation of Saubhagya in Manipur (9 districts) were approved. Supply and Erection Works of Materials were started during his tenure. He retired from service in September, 2020. As per the records, materials and evidence collected during the Inquiry, it is concluded that the officer has performed his duty as per law.**

**(iii) Shri Hijam Shantikumar Singh is the *then* Executive Director (Technical), MSPDCL and was posted in that position from 25th July 2018 till retirement. As ED (Tech), he was involved in the implementation of Saubhagya during the tendering process for selection of turnkey firms and monitoring of the scheme. As per the records, materials and evidence collected during the Inquiry, it is concluded that the officer has performed his duty as per law.**

**7.45 Conclusion: Saubhagya scheme in Manipur has been implemented by MSPDCL as per REC Guidelines. It is concluded from the findings of the Technical team and Spot Inspection Report by Inquiry Officer that all major physical infrastructures under the scheme are in place at the villages/work sites inspected in connection with the case. The Public Servants mentioned above have performed their duty. From the documents & materials collected during the Inquiry, it is concluded there is no evidence of misappropriation of public funds by the Officials of MSPDCL during the implementation of Saubhagya scheme.**

**Submitted for kind perusal and further necessary action please.”**

[16] It is settled law that petition cannot be filed for roving and fishing inquiry and also in the light of inadequate information there cannot be roving inquiry. In the present case, in the light of inadequate information and also the absence of material for substantiating the allegations and misappropriation of fund and corruption against the Respondents, there cannot be further roving inquiry and fishing inquiry. The Apex Court in **Ashok Kumar Pandey vs. State of WB (2004) 3 SCC 349** held that there cannot be roving and fishing inquiry and in the absence of necessary disclosure and source of information an imposition of exemplary costs on failure to meet the requisite criteria for proper information may be issued. Para 17 of the SCC in Ashok Kumar Pandey’s case (supra) read as follows:

**“17. Coming to the facts of the case, it has not been shown as to how and in what manner the accused condemned prisoner is handicapped in not seeking relief, if any, as available in law. The matter pertains to something which happened or not at Kolkata and what the truth about the news was or cause for the delay, even if it be, is not known or ascertained or even attempted to be ascertained by the petitioner before approaching this Court. To a pointed query, the petitioner submitted that the petitioner “may not be aware” of his rights, that except the news he heard he could not say any further and “the respondent State may come and clarify the position”. This petition cannot be entertained on such speculative foundations and premises and to make a roving enquiry. Maybe, at times even on certain unconfirmed news but depending upon the gravity or heinous nature of the crime alleged to be perpetrated which would prove to be obnoxious to the avowed public policy, morals and greater societal interest involved, courts have ventured to intervene but we are not satisfied that this could be one such case, on the facts disclosed. It is reliably learnt that a petition with almost identical prayers was filed before the Calcutta High Court by relatives of the accused and the same has recently been dismissed by the High Court.”**

Para 6 of the SCC in **Commissioner, Bangalore Development Authority vs. S. Vasudeva and Ors. (2000) 2 SCC 439** held that

**“6. ….. The High Court, on the other hand, not only came to the conclusion that bulk allotment of land was not permissible but also directed the constitution of a committee to go into all allotments made by the BDA. The effect of this would be that the Committee which was sought to be constituted was empowered to carry out a roving and fishing inquiry with regard to allotments of land made by BDA since the time it was constituted in the year 1976. There was neither any prayer in the writ petition to this effect nor do we find any affidavit having been filed by the respondents before the High Court in relation to such allotments of land to the Society and others. The writ petitioner had not chosen to enlarge the scope of the writ petition by amending his petition and, therefore, the High Court, in our opinion, was not justified in issuing the type of directions which it did.”**

[17] It is the prerogative of the Investigating Officer to file his report. Either section 169 and 170 Cr.P.C. and Magistrate has no authority. The Apex Court in **Union of India vs. Prakash P. Hinduja & Ors. (2003) 6 SCC 195** (para nos. 16 and 17) held that

**“16. In *H.N. Rishbud v. State of Delhi* (7 AIR 1964 SC 221) the Court was called upon to consider the effect of investigation having been done by a police officer below the rank of a Deputy Superintendent of Police contrary to the mandate of Section 5(4) of the Prevention of Corruption Act, 1947. While examining the scheme of Chapter XIV of the Code of Criminal Procedure, 1908 (same as Chapter XII of the 1973 Code), it was held that the investigation primarily consists of the ascertainment of the facts and circumstances of the case and by definition it includes “all the proceedings under the Code for the collection of evidence conducted by a police officer”. It was further observed that the final step in the investigation viz. the formation of the opinion as to whether or not there is a case to place the accused on trial is to be that of the officer in charge of the police station. In *State of W.B. v. S.N. Basak* (AIR 1963 SC 447) this Court approved the view taken by the Privy Council in *Nazir Ahmad* (9 AIR 1945 PC 18) and held as under in para 3 of the report: (AIR p. 448)**

**“The powers of investigation into cognizable offences are contained in Chapter XIV of the Code of Criminal Procedure. Section 154 which is in that Chapter deals with information in cognizable offences and Section 156 with investigation into such offences and under these sections the police has the statutory right to investigate into the circumstances of any alleged cognizable offence without authority from a Magistrate and this statutory power of police to investigate cannot be interfered with by the exercise of power under Section 439 or under the inherent power of the court under Section 561-A of the Criminal Procedure Code.”**

**17. This question was again considered in *Abhinandan Jha v. Dinesh Mishra* (AIR 1968 SC 117) and after examining the scheme of the Act and the decision of the Privy Council in *Nazir Ahmad* (9 AIR 1945 PC 18) and the earlier decision of this Court in *H.N. Rishbud* (7 AIR 1964 SC 221) and *S.N. Basak* (AIR 1963 SC 447) it was held as under : (AIR p. 123, para 18)**

**“[T]he investigation, under the Code, takes in several aspects, and stages, ending ultimately with the formation of an opinion by the police as to whether, on the material covered and collected a case is made out to place the accused before the Magistrate for trial, and the submission of either a charge-sheet, or a final report is dependent on the nature of the opinion, so formed. The formation of the said opinion, by the police, … is the final step in the investigation, and the final step is to be taken only by the police and by no other authority.”**

[18] The Apex Court in **Anirudhsinhji Karansinhji Jadeja & Anr. Vs. State of Gujarat (1995) 5 SCC 302** held that in case of power conferred upon one authority being decided by another, it amounts to failure to exercise the power by the authority to whom the power is conferred. Para 11 of the SCC in Anirudhsinhji Karansinhji Jadeja’s case (supra) reads as follow:

**“11. The case against the appellants originally was registered on 19-3-1995 under the Arms Act. The DSP did not give any prior approval on his own to record any information about the commission of an offence under TADA. On the contrary, he made a report to the Additional Chief Secretary and asked for permission to proceed under TADA. Why? Was it because he was reluctant to exercise jurisdiction vested in him by the provision of Section 20-A(1)? This is a case of power conferred upon one authority being really exercised by another. If a statutory authority has been vested with jurisdiction, he has to exercise it according to its own discretion. If the discretion is exercised under the directed or in compliance with some higher authority’s instruction, then it will be a case of failure to exercise discretion altogether. In other words, the discretion vested in the DSP in this case by Section 20-A(1) was not exercised by the DSP at all.”**

[19] The Apex Court in **Centre for Public Interest Litigation vs. Union of India and Ors. (2016) 6 SCC 408** (para 21) held that there has to be a boundary line or the proverbial “Laxman rekha” while examining the correctness of an administrative decision taken by the State or Central authority after due deliberation and diligence which do not reflect arbitrariness or illegality in its decision and execution. If such equilibrium in the matter of governance gets disturbed, development is bound to be slowed down and disturbed specially in an age of economic liberalization wherein global players are also involved as per policy decision.

[20] For the foregoing discussions, we are of the considered view that there is no material for not accepting the Preliminary Inquiry Report and also there is no materials directing for further preliminary inquiry. As stated above, there is no prayer from any of the parties in the present case for further preliminary inquiry. It is equally well settled law that there cannot be no second complaint/second FIR as held by the Apex Court in T.T. Anthony’s case (supra). In this given circumstances, we have no alternative except to close the present complaint and in the result the Complaint is closed and disposed of accordingly.

*Sd/- Sd/-*

**Member Chairperson**