

COMPLAINT CASE NO. 3 OF 2024

20.02.2024

1. Perused the office note dated 19.02.2024, wherein it has been reported that one Shri Khaidem Kalachand Singh, S/o (L) Khaidem Bijoy Singh, a resident of Thangmeiband Khomdram Selungba Leirak, P.O. & P.S. Lamphel, Imphal West District, Manipur filed a Complaint against (i) Shri N. Subhas, Chief Engineer, PWD, Manipur, (ii) Yumnam Robin, Superintendent Engineer, NHC, PWD, Manipur, (iii) Shri Salam Somorendro Singh, Chief Finance Officer, PWD, Manipur, (iv) A. Amarjit Meitei, Executive Engineer NH-III, PWD, Manipur and (v) P.K. Meena, Executive Engineer, Regional Office (Civil), Guwahati, Ministry of Road transport and Highways alleging that they have knowingly and intentionally abused their position to obtain undue gain and to favour one Shri Maibam Chojot Singh, Special Class Contractor while issuing a work order.

2. On perusal of the complaint, it has been found that the same has been filed in Form No. 1 as provided under Rule 15 (2) of the 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/- (on thousand) by way of bank draft/IPO payable to the Secretary, Manipur Lokayukta. Rule 15 (6) and (7) of Manipur Lokayukta Rules, 2018 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. All these have been duly completed and submitted along with the complaint.

3. On perusal of the Complaint and also the supporting documents, it appears that there is an allegation for abuse of position by (i) Shri N. Subhas, Chief Engineer, PWD, Manipur, (ii) Yumnam Robin, Superintendent Engineer, NHC, PWD, Manipur, (iii) Shri Salam Somorendro Singh, Chief Finance Officer, PWD, Manipur, (iv) A. Amarjit Meitei, Executive Engineer NH-III, PWD, Manipur and (v)

P.K. Meena, Executive Engineer, Regional Office (Civil), Guwahati, Ministry of Road transport and Highways while issuing a work order in connection with the work i.e. strengthening of road from Km. 459.930 to 465.200 of NH – 02 under the NH Division in the State of Manipur for the year 2022 -23 on EPC mode to Shri Maibam Chojit Singh, Special Class Contractor.

3.1. The Complainant, who is also a Bidder of the NIB No. CE/NH/Bid 2023 – 24/01 dated 13.04.2023 for the work strengthening of road from Km. 459.930 to 465.200 of NH – 02 under the NH Division in the State of Manipur for the year 2022 -23 on EPC mode, states that Tender Evaluation Committee vide its minute of the meeting held on 01.09.2023 had recommended to award the work of strengthening of road from Km. 459.930 to Km. 465.200 of NH – 02 under the NH Division in the State of Manipur for the year 2022 -23 to Shri Maibam Chojit Singh, Special Class Contractor without proper verification of the documents submitted by him.

3.2. Complainant states that Shri Maibam Chojit Singh, submitted a work completion certificate issued by the Executive Engineer, National Highway Division No. III, PWD, Manipur for the work of strengthening of existing two lane pavement including paved shoulder on NH – 150 from Km. 402.000 to Km. 412.000 in the State of Manipur during the year 2017-18 which he executed as a Sub-Contract. In respect to the above stated work completion certificate, the Managing Director, HVS Construction Materials Pvt. Ltd. submitted a clarification letter dated 16.10.2023 addressed to the Addl. Chief Engineer, NH Circle, PWD, Manipur clarifying that the work completion certificate submitted by Shri Maibam Chojit Singh is false and unauthorised. Even after receiving the said clarification letter dated 16.10.2023 from the Managing Director, HVS Construction Materials Pvt. Ltd., the Tender Evaluation Committee has not taken up any action against Shri Maibam Chojit Singh. Further, the Complainant also have served a Legal Notice dated 30.10.2023 through his counsel to the Chief Engineer, PWD, Manipur for taking necessary action against the said contractor.

3.3. It is further alleged that the Tender Evaluation Committee has intentionally and deliberately not taken up any action against the said contractor i.e. Shri Maibam Chojit Singh till date despite knowing the fact that the said contractor had submitted false and unauthorised

document in the tender process which could have been easily verified by the department as the work for strengthening of existing two lane pavement including paved shoulder on NH – 150 from Km. 402.000 to Km. 412.000 in the State of Manipur during the year 2017-18 was implemented by the same department.

4. 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. The work completion certificate submitted by Shri Maibam Chojit Singh has been stated by the Managing Director, HVS Construction Materials Pvt. Ltd. as false and unauthorised work completion certificate issued to a Sub-contractor on which basis the tender evaluation committee held on 01.09.2023 had recommended award of work to Shri Maibam Chojit Singh and the department failed to verify it from their records. The department became aware of the allegation through the letter from Managing Director, HVS Construction Materials Pvt. Ltd. on 16.10.2023 but did not take any action on it and also the legal notice dated 30.10.2023 which leaves room for doubts whether there was failure on carrying out due diligence by the department. Therefore, it is 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).

5. For the foregoing reasons, it is considered that there is a prima facie case for holding a preliminary inquiry as contemplated under section 20(1) of the Manipur Lokayukta Act, 2014. Accordingly, the Inquiry Wing, Manipur Lokayukta is directed 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 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 27 (1), Section 28(2), Section 29, Section 32, Section 36 and other provisions of the Manipur Lokayukta Act, 2014.

6. Director (Inquiry), Manipur Lokayukta is further directed to entrust the preliminary inquiry of this complaint to one of Police Officers attached to Inquiry Wing of Manipur Lokayukta promptly.

6.1. Director (Inquiry), Manipur Lokayukta has to submit a report for taking up prompt steps in this regard on or before 23.02.2024.

7. 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.

8. Await preliminary Inquiry Report.

Sd/
MEMBER