

LOKPAL OF INDIA
(Plot No.6, Institutional Area, Phase-II, Vasant Kunj)
New Delhi- 110070

Complaint No. : **197/2023**

Date : **21.02.2025**

Coram : **Shri Justice A.M. Khanwilkar**
Chairperson

Shri Justice Sanjay Yadav
Member

Shri Sushil Chandra
Member

Shri Justice Ritu Raj Awasthi
Member

Shri Ajay Tirkey
Member

ORDER

1. Invoking third Proviso of sub-section (1) of section 20 of the Act of 2013, after seeking explanation from the concerned Public Servant, investigation into alleged corruption resorted to by the named Respondent Public Servant (RPS) was ordered to be conducted by the Central Bureau of Investigation (CBI) vide order dated 10.01.2024.



2. The CBI submitted the Investigation Report on 14.10.2024. After submission of this report the named RPS produced some material which were forwarded to the Investigating Officer to consider the same and submit further Investigation Report. In furtherance thereto, further Investigation Report was filed on 05.11.2024. And sanction to prosecute RPS was sought. Accordingly, comments were sought from the Competent Authority and the named RPS as per sub-section (7) of section 20 of the Act of 2013.
3. The named RPS sought leave to appear in person to put forth his explanation. Permission was granted and the matter was posted on 20.01.2025.
4. On 20.01.2025 named RPS appeared in person; whereas, the complainant was represented through Counsels. Respective parties were heard. Ten days' time as sought for was granted to the RPS to file further written notes, which has since been filed by him.
5. We have carefully perused the Investigation Report, further Investigation Report, statement and further written note of the named Public Servant, comments by the Competent Authority and the observations by the Investigating Officer thereon, oral statements, and material documents collected and collated during investigation.
6. Investigation reveals that Ms. Kalpana Pandey, wife of the complainant, is the owner of M/s Biogerm. Her husband Shri Pramod Panday and his



brother Shri Parmender Panday, managed all the firm's operations. Ms. Kalpana Panday informed that to facilitate loan under PMEGP Scheme, money was given to the named Public Servant on two occasions: Rs.4 lakhs through the bank account of a man named Shri Vikram Singh and Rs.2 lakhs in cash was handed over to the Public Servant when he came for an inspection at their residence along with Shri Rakesh Kumar.

7. Investigation reveals that Shri Pramod Pandey while looking for loan options got in touch with one Shri Ranjit Bharti, engaged in obtaining commission for pursuing the loan requests of the customers, who suggested him to approach SBI Nagar Bazar Branch Basti. On said advice, Shri Pramod Pandey alongwith Shri Ranjit Bharti visited the concerned Branch and was introduced to the named Public Servant by the Shri Ranjit Bharti. The named Public Servant during said meeting induced Shri Pramod Pandey to obtain loan under PMEGP Scheme in the name of business and if it is availed by the woman entrepreneur, the subsidy would be higher. It is revealed that during said discussion the named Public Servant demanded Rs.4 lakhs from Shri Pramod Pandey as commission to process the loan to which Shri Pramod Pandey readily agreed.
8. It is revealed that Shri Vikram Singh who knew the named Public Servant was present there in person was told by the named Public Servant that one Shri Pramod Pandey would deposit Rs.4 lakhs in



his (Shri Vikram Singh's) account. Once the money was deposited, Shri Vikram Singh withdrew it and handed over to the named Public Servant in presence of Shri Ranjit Bharti. The said transaction is substantiated by the statement of account of Shri Pramod Pandey and Shri Vikram Singh. Shri Ranjit Bharti who was personally present corroborated the transaction stating that he alongwith Shri Pramod Pandey and Shri Vikram Singh went to the office of the named Public Servant and handed over the same.

9. It is further revealed that the named Public Servant after the loan was sanctioned had asked Shri Vikram Singh to sign the deposit voucher on an apprehension that Shri Pramod Pandey may file a complaint against him. Thus, the named Public Servant deposited an amount of Rs.2 lakhs into the account of Shri Vikram Singh which was transferred to Shri Pramod Pandey and the same amount was subsequently transferred to the account of Smt. Kalpana Pandey. It is further revealed that the named Public Servant had also deposited an amount of Rs.1 lakh in the account of Shri Pramod Pandey and was subsequently transferred to the account of M/s Biogerm.
10. It is revealed that the named Public Servant in his defence has stated that the transaction of alleged bribe of Rs.4 lakhs between the accounts of Shri Pramod Pandey and Shri Vikram Singh pertain to their own business dealing. Even Shri Pramod Pandey had claimed, during investigation that he has sold machines to Shri Vikram Singh

on the directions of the named Public Servant and has received an amount of Rs.3 lakhs in lieu of the same were not found to be correct during investigation, wherein, it was revealed that Shri Vikram Singh is engaged in manufacturing of cement/concrete bricks and Shri Pramod Pandey is engaged in manufacture of household cleaning items.

11. In the investigation it is revealed from the inspection report that “the stock, plant and machinery have been verified.” However, it was discovered that, in a letter dated 29.03.2022, M/s Biogerm informed the Bank that the bottle filling machine listed as item 1 in the quotation from M/s MA Enterprises had not been received and that they no longer needed it. M/s Biogerm who requested that the amount related to this machine be recovered from M/s MA Enterprises. Hence, the inspection report dated 02.03.2022 prepared by Public Servant is in stark contradiction with letter dated 29.03.2022.
12. The Investigation further reveals that M/s Biogerm has not received the bottle filling machine listed as item 1 in the quotation from M/s MA Enterprises. The Public Servant directed Sh. Mahmood Ahmad to furnish a bankers cheque of the amount of Rs. 7,08,000/-, which was furnished by Sh. Akhilendra Singh at the behest of Sh Mehmood Ahmad and that the same was to remain deposited with the bank till the delivery of bottle filling machine to M/s Biogerm. However, without any confirmation of the delivery of the machine from Sh. Pramod

Pandey, the amount of Rs. 7,08,000/- was credited back to Sh. Akhilendra Singh by the Public Servant.

13. Accordingly the CBI, on the basis of investigation and the cogent material documents collated in the course of investigation, has arrived at following conclusion :

As to Yashvir Kumar:

There is evidence in the shape of oral and documentary evidences that he has demanded and accepted an undue advantage to the tune of Rs.4 Lakhs. He has abused his official position as the branch manager of the Nagar Bazar Branch of State Bank of India by misappropriating an amount of Rs 7,08,000/- by not crediting the same in the loan account or in the favour of the bank.

As to Pramod Pandey:

There is evidence in the shape of oral and documentary evidence that he has given a bribe of Rs. 4 Lakhs to the public servant. Futher, it is also revealed that he has diverted the loan proceeds towards his own use.

14. The Central Bureau of Investigation has accordingly recommended for :
- I. **Prosecution** of Sh Yashvir Kumar u/s 7 & 12 of PC Act 1988(as amended in 2018).



- II. **Prosecution** of Sh Pramod Pandey u/s 8 of PC Act,1988(as amended in 2018).
- III. **No Action** against:
Sh. Ranjit Bharti (FIR named accused).
Sh. Vikram Singh (FIR named accused).
15. Accordingly sanction for prosecution under section 20 (7) of the Act of 2013, in the Court inter alia for offences punishable under Section 7 and 12 of Prevention of Corruption Act 1988 (as amended in 2018) is being sought.
16. Having analysed the entire evidence oral and documentary, on record, statement/comments of the RPS, comments of the Competent Authority, complicity of the RPS in commission of offence punishable under the Prevention of Corruption Act, 1988 is *prima facie* substantiated. Therefore, in exercise of power conferred upon us under clause (a) of sub-section (7) of Section 20, r/w sub-section (i) of Section 23 of the Act of 2013, we grant sanction to prosecute as sought for by the Central Bureau of Investigation.
17. The Investigating Officer shall submit the status report regarding the progress of the trial, post-sanction, in the Registry of the Lokpal periodically, every six months.
18. The complaint is disposed of with the above direction to the Investigating Officer. The relevant records of this case filed in the

office of the Lokpal, be retained and preserved until the conclusion of the trial before the jurisdictional Court.

**Sd/-
(Justice A.M. Khanwilkar)
Chairperson**

**Sd/-
(Justice Sanjay Yadav)
Member**

**Sd/-
(Sushil Chandra)
Member**

**Sd/-
(Justice Ritu Raj Awasthi)
Member**

**Sd/-
(Ajay Tirkey)
Member**


(Court Master)

/AKA/