

Lokpal of India
Plot No.6, Vasant Kunj Institutional Area – Phase-II
New Delhi – 110070

Complaint No. : **206/2024**

Date : **27.03.2025**

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

Shri Justice L. Narayana Swamy
Judicial Member

Shri Justice Sanjay Yadav
Judicial Member

Shri Pankaj Kumar
Member

Shri Ajay Tirkey
Member

ORDER

1. This complaint is against the officials of Union Territory of Dadra & Nagar Haveli and Daman & Daman and Diu, Deputy Commissioner, Udhaampur, Collector, Daman, Finance Secretary, Dadra & Nagar Haveli and Daman & Diu and a private entity, being the designer and consultant.



2. The thrust of the complaint is about the non-payment of approximately Rs. 2.25 crores for services rendered by the complainant during the completion of Project INS Khukri in Diu. The complainant claims to have undertaken various tasks, including surveys, inspections, towing, and mooring of the vessel, all based on verbal assurances from the named officials. The complainant asserts that despite multiple requests made by him personally in meetings with high officials, his grievance remains unanswered. The complainant claims to have made attempts to communicate with the concerned authorities, including by sending legal notices and registering grievances through the Centralized Public Grievance Redress and Monitoring System (CPGRAMS), which have remained un-replied. The complainant claims to have forwarded the CD/DVD and photographs in sealed cover to the concerned authorities, which would buttress his allegations. Finally, the complainant has invoked the remedy before the Lokpal by filing a formal complaint and has appended the relevant materials, including the CD/DVD and photographs, which have been kept intact by the Registry.



3. The Full Bench vide order dated 18.10.2024 called upon the Central Bureau of Investigation (for short, CBI) to cause a Preliminary Inquiry (for short, PI) into the allegations made in the complaint and submit its Report within six weeks after recording the comments of the Respondent Public Servant (for short, RPS) and the Competent Authority with its own observations thereon.
4. The CBI caused to conduct the PI, wherein the Inquiry Officer (for short, IO) collated necessary documents and also recorded the statements of certain officials and persons, purportedly having information about the events and facts referred to in the complaint under consideration. The IO also recorded the comments of the concerned RPS. After analyzing the entire matter, the IO recorded his conclusion in the PI Report forwarded to the Registry along with a covering letter of Shri Balbir Jain, AIG(P)/CBI dated 11.02.2025, which reads thus:

“6. Conclusion:

In view of the above, this inquiry comes in conclusion that no official work order was issued to the complainant or its firm M/s. Alang Last Voyage Services, Bhavnagar and



they had not directly executed any work. Further, M/s. Alang Last Voyage Services had not submitted any bill to the concerned authority of Union Territory of Dadra and Nagar Haveli and Daman and Diu in respect of the amount which he had claimed in his complaint.

It is evident that, the work was carried out by another contractor i.e. M/s. Tirupati Sarjan Ltd, Visnagar who has availed the services of M/s. Sarjan Constructions and M/s. Sarjan Constructions had taken the services of Shri Jitendra Kamdar of Prime Multi Link. Further, nothing was revealed during the course of inquiry or examination of complainant indicating that his work was wrongly attributed to M/s. Tirupati Sarjan.

Further, the complainant has alleged that he had executed the work on oral basis and had not received any payment for that work. A reply from M/s Tirupati Sarjan (D-9) revealed that revealed that payment of Rs.27,26,147 for the services has been made to Prime Multi Link (associated with Jitendra Kamdar). Nevertheless, this seems to be an arrangement/understanding between two private parties wherein involvement of no public servant is revealed. This is a civil matter for which the complainant had already issued legal notice to the concerned authority of Union Territory of Dadra and Nagar Haveli and Daman and Diu.

It is observed that the allegations made by the complainant against the Investigating Officer are baseless and even misleading. The Inquiry officer after due permission of Hon'ble Lokpal of India examined the complainant on 27.01.2025. During the examination the complainant informed the Inquiry officer that he shall submit his statement to the Hon'ble Lokpal of India directly. The complainant also submitted a written letter addressed to the Superintendent of Police AC-III, CBI to that effect.

The analysis of the complaint facts gathered during inquiry, statements recorded and examination of complainant have not indicated any attempt of bribery, corruption or illegal gratification which comes under the purview of PC Act, 1988 where CBI can initiate investigation."

(Italics supplied)



5. On the basis of the above conclusion, the IO made following recommendations:

“7. Recommendations:

Inquiry has revealed that no official work order was issued to the complainant or its firm M/s. Alang Last Voyage Services, Bhavnagar and they had not directly executed any work.

There is no any allegation regarding the demand of any undue advantage/ illegal gratification by any of the RPS. There is no any allegation regarding mis-appropriation of public funds.

As per the allegations the complainant has claimed Rs. 2.25 crore for the work related to towing and mooring of INS Khukri at Diu. However, he had not submitted any bill to the authorities of UT of DND & DD.

Inquiry has revealed that the work the PWD Department of the UT administration DND & DD had got done on quotations basis from M/ s. Tirupati Sarjan Ltd., Visnagar vide work order No. PWD/WD-II/DIU/AB/2021-2022/2322 dated 12.01.2022. M/s. Tirupati Sarjan Ltd., Visnagar has executed the work through m/s. Sarjan Constructions Pvt Ltd and they hired services of Jitendra Kamdar of Prime multi Link and completed the same as per work order and submitted the bill dated 20.02.2022 amounting to Rs. 29,98,000/- (including GST and other charges) to the Executive Engineer, PWD, Diu. The net amount of Rs. 27,73,150/- [Bill amount of Rs. 29,98,000/-, after deduction of Rs. 1,34,910/-] was paid to M/s. Tirupati Sarjan Ltd., Visnagar vide Public Financial Management System (PFMS), IFD No. 4647, Voucher No. N309605147, Voucher Date: 18.01.2023, Bill No. CP00000153, in Account No. 05770500009443 of Bank of Baroda, Visnagar.

The PWD Department has got the work done in an amount less than the amount claimed by the complainant. Therefore, there is no loss to the exchequer. Hence, no criminality has been against any of the named officials which warrants any investigation.



During Inquiry, notice to the competent authority was sent to obtain their comments regarding the allegations. The reply to the said notice is still awaited and would be sent as and when received."

6. However, as the IO had not recorded the comments of the Competent Authority, he was given time to do so, who in turn has now forwarded the same under the covering letter sent by CBI dated 18.03.2025, bearing No.DP0992025/466/33/11/2024/Lokpal(35)/PD. The Competent Authority has opined that the allegations against the RPSs are not found substantiated. The document forwarded as Annexure-B titled "Observations of CBI on the comments of the competent authority", explains by way of following chart.

"Sr. No.	Allegation		Observations of CBI on comments of competent authority
1.	That M/s Alang Last Voyage Services was orally instructed to undertake various tasks, including surveys, inspections, towing and mooring of the vessel i.e. INS Khukri ship for display at Diu.	The allegations against the respondent public servants were not found substantiated.	The comments of competent authority are in line with the findings of the CBI.
2.	That on oral instruction M/s Alang Lasdt Voyage Services had supplied material on 19.01.2022 for	The allegations against the respondent public servants were not	The comments of competent authority are in line with the findings of the CBI.

	the safety of the ship such as Fenders, Tyres, Speed boats, chains, clamps, Deshacksles, Submersible pump, Hose pipe, Flangs Nuts and bolts, Helmets, Marine paints, Pilot ladder etc.	found substantiated.	
3.	That M/s Alang Last Voyage Services had managed the entire project of INS Khukri ship for display at Diu from start to finish, operating solely on your verbal assurance without any formal written confirmation or contract. Throughout the period, M/s Alang Last Voyage Services had discussed project expenses several times, estimating a total expenditure of Rs. 2 to 2.5 Crores approx. from day one. After completion of the project M/s Alang Last Voyage Services submitted an expense claim of Rs. 2.5 Crores for the entire project which it incurred without any advance payment. Despite multiple attempts to communicate the authorities regarding the payment for services rendered, it did not receive any response.	The allegations against the respondent public servants were not found substantiated.	The comments of competent authority are in line with the findings of the CBI."

7. The IO in the PI Report has noted that the complainant did not share the information/documents despite the request made by the IO in that

regard, as per the liberty given to him to do so. The complainant has instead directly forwarded a communication, dated 31.01.2025, under his signature more or less repeating the allegations in the complaint, which have been duly inquired into by the IO.

8. We have considered the complaint and its accompaniment as also the PI Report and the documents furnished therewith including the comments of the Competent Authority and the communication of the complainant dated 31.01.2025 directly addressed to the Lokpal. In the first place, we need to put the records straight. That, the complainant should have given the explanation or information to the IO when he was called upon to do so. The IO would have then dealt with the same in the PI Report itself - on the basis of the material collated by him during the inquiry. Be that as it may, the subsequent communication sent by the complainant does not improve the facts and events already inquired into by the IO. In other words, the conclusion reached by the IO in respect of the narrative set up by the complainant is unassailable. That is not impacted by the subsequent communication sent by the complainant to the Lokpal.

9. Reverting to the analysis of the materials and statements looked into by the IO, it is evident that the contract has been given to Tirupati Sarajan Ltd., Visnagar after following due procedure consequent to the tender issued in that regard. There is no contract or authorization given by the Administration to any other entity. It is noticed that M/s. Tirupati Sarjan Ltd. had got part of the work executed from M/s. Sarjan Constructions Pvt. Ltd., who in turn had used the services of the complainant - Sh. Jitendra Kamdar (Prime Multi Lind). Thereafter the contractor M/s. Tirupati Sarjan Ltd., had upon execution of the work submitted its bills directly to the Administration, which had to process the same and pay the amount to the contractor as it was due and payable. If the contractor had failed to pay corresponding amount to M/s. Sarjan Constructions Pvt. Ltd. or the complainant (Prime Multi Link), as the case may be for the services obtained from them the RPSs cannot be made accountable or liable therefor. Significantly, it is noticed that there is no indication in the complaint or from the material gathered during the inquiry that the RPSs had demanded any amount as illegal gratification from the complainant. In fact, there is

nothing to show that the named RPSs had at any point given written or oral instructions to the complainant (Prime Multi Link) to execute any kind of work. The complainant had not submitted any bill to the authorities of UT of DND & DD, whereas the M/s. Tirupati Sarjan Ltd. Visnagar, the awardee of the contract by the Administration had claimed the amount for the work executed by it. Thus understood, there was no financial obligation on the Administration to pay any amount to the complainant (Prime Multi Link) much less in connection with the alleged work or services of the complainant (Prime Multi Link) given to M/s. Sarjan Constructions Pvt. Ltd.

10. Accordingly, we have no hesitation in accepting the conclusion arrived at by the IO - that the allegations in the complaint under consideration have not been substantiated.

11. Resultantly, this complaint must fail.

12. The complaint is, therefore, disposed of as being devoid of merit with liberty to the complainant to pursue his other claim (other than allegation



of corruption against the officials of stated Union Territory), before appropriate Forum, if so advised.

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

Sd/-
(Justice L. Narayana Swamy)
Member

Sd/-
(Justice Sanjay Yadav)
Member

Sd/-
(Pankaj Kumar)
Member

Sd/-
(Ajay Tirkey)
Member


(Court Master)

/SN/