

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

Complaint No. : **237/2024**

Date : **06.03.2025**

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

Shri Justice Sanjay Yadav
Member

Shri Sushil Chandra
Member

Shri Justice Ritu Raj Awasthi
Member

Shri Pankaj Kumar
Member

Shri Ajay Tirkey
Member

ORDER

1. This complaint, dated 18.09.2024, has been filed against one Member of Parliament (for short, MP), one Member of the Legislative Assembly (for short, MLA) and two leaders of a political party for allegedly indulging in corruption and misuse of public funds, given by the Central Government for a scheme of free distribution of food to common man during Covid-19 pandemic. After the defects pointed out by the Registry were cured by the complainant,



the Full Bench vide order 29.11.2024 deemed it appropriate to issue notice to the Respondent Public Servant - the named Member of Parliament (for short, RPS) coming within the ambit of Section 14 of the Lokpal and Lokayuktas Act, 2013 (for short, the Act of 2013), for giving him opportunity to offer his explanation so as to enable the Bench to take appropriate decision.

2. Pursuant to the stated order, the named public servant to whom notice was issued, filed his affidavit cum explanation sworn on 29.01.2025. The same was placed for consideration of the Bench on 07.02.2025. On that date, the Bench passed the following order:

1. We have perused the affidavit cum explanation, dated 27.01.2025, filed by the named Respondent Public Servant (for short, RPS), in terms of order dated 29.11.2024.
2. The affidavit, amongst others, refers to the factum of a case registered by the Economic Offences Wing (for short, EOW), Mumbai Police, presumably Police Station Agripada, bearing FIR No. 504/2023 concerning the contract of distribution of Khichdi during the COVID-19 pandemic period. Further, it is mentioned that the stated case is against Sujit Mukund Patkar and no allegation has been made against the named RPS therein.
3. In view of the above and considering the mandate of Section 15 of the Lokpal and Lokayuktas Act, 2013 (for short, the Act of 2013), without examining the explanation offered by the named RPS any further, we deem it appropriate to first seek clarification from the Commissioner of Police, Mumbai - as to whether any complaint regarding the involvement of the named RPS is pending investigation or otherwise and the details thereof, concerning the subject matter in this complaint so as to enable the Bench of Lokpal of India to pass appropriate orders depending on the information/clarification received from the Mumbai Police.
4. To facilitate the Commissioner of Police, Mumbai, to respond to this requisition, we direct the Registry to forthwith forward copy of the complaint under consideration to the Commissioner of Police, Mumbai alongwith copy of this order.

5. Be it noted that, in terms of Section 20(9) of the Act of 2013 read with Rule 4(a) and 4(b) of the Lokpal (Complaint) Rules, 2020, all concerned are obliged to maintain full confidentiality of the contents of the complaint during its pendency. In other words, the accompanying complaint cannot be used for any other purpose, but only by the Police Commissioner to offer clarification as sought in terms of this order to facilitate the Lokpal of India to pass appropriate order, including under Section 15 of the Act of 2013, if applicable.

6. The Registry shall forward copy of this order and of the complaint to Shri Vivek Phansalkar, I.P.S., incumbent Commissioner of Police, Greater Mumbai, in a sealed cover with noting **“Strictly Confidential and to be opened by the Addressee only”**.

7. List on 28.02.2025.”

3. Accordingly, pursuant to the above order, notice was sent to the office of Commissioner of Police, Greater Mumbai. Finally, a communication has been received from the Government of Maharashtra, Dy. Commissioner of Police (for short, DCP), Economic Offences Wing (for short, EOW), which mentions that a complaint was received by the EOW of the Maharashtra Police in August 2023 regarding COVID Khichdi Scam and GST evasion. It is stated that after thorough inquiry into the complaint a cognizable offence was disclosed and hence EOW, Mumbai registered C.R. 47/2023, u/s 406, 409, 420 120(B), 34 I.P.C. at Agripada Police Station, Mumbai bearing C.R. no. 497/2023 (CCTNS no. 504/2023). It is also mentioned that no complaint regarding the involvement of the named RPS has been received nor the allegations in the case already registered mention about his involvement therein.

4. Suffice it to observe that an offence regarding the COVID Khichdi Scam and GST evasion has already been registered with the competent local police and initial inquiry therein does not reveal the



involvement of the named RPS. Further, in respect of the same subject matter, the complainant has approached this forum with allegation of corruption under Prevention of Corruption Act, 1988.

5. Indeed, it appears that the criminal case already registered in earlier point of time (August 2023) by the Maharashtra Police, in respect of the same allegation concerning COVID Khichdi Scam and GST evasion, does not include the offence of Prevention of Corruption Act, 1988 as much as it does not mention about the involvement of the named RPS. Nevertheless, keeping in mind the spirit of Section 15¹ of the Act of 2013 we permit and commend to the Maharashtra Police inquiring/investigating the stated criminal case, to look into the contents of the complaint under consideration received by the Lokpal and proceed in the matter in accordance with law.
6. We make it clear that we have not expressed any opinion on merits of the allegations in this complaint one way or the other. It is for the concerned Inquiry/Investigating Agency of the Maharashtra Police to examine the matter independently.

¹ Section 15. **Matters pending before any court or committee or authority for inquiry not to be affected.** - In case any matter or proceeding related to allegation of corruption under the Prevention of Corruption Act, 1988 (49 of 1988) has been pending before any court or committee of either House of Parliament or before any other authority prior to commencement of this Act or prior to commencement of any inquiry after the commencement of this Act, such matter or proceeding shall be continued before such Court, committee or authority.

7. This complaint is disposed of accordingly.

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

Sd/-
(Justice Sanjay Yadav)
Member

Sd/-
(Sushil Chandra)
Member

Sd/-
(Justice Ritu Raj Awasthi)
Member

Sd/-
(Pankaj Kumar)
Member

Sd/-
(Ajay Tirkey)
Member


(Court Master)

/SN/