

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

Complaint No. : 4487/2022

Date : 24th February 2023.

Coram : **Justice Pradip Kumar Mohanty**
Hon'ble Acting Chairperson

Shri Dinesh Kumar Jain
Member

Dr. Indrajeet P. Gautam
Member


ORDER

Perused the complaint.

The complaint was referred to CVC vide Full Bench order dated 30.11.2022 to cause an inquiry under section 20(1) of the Lokpal & Lokayuktas Act, 2013, and to submit a report within a period of six (06) weeks from the date of receipt of the order i.e. on or before 17.01.2023. CVC Vide its letter dated 18.01.2023 requested to grant an extension till 03.02.2023 for submission of the report, which was approved by the competent authority.

In compliance with the order dated 30.11.2022, CVC has forwarded a report vide letter dated 31.01.2023, submitted by the Ministry of Finance, Department of Revenue, Govt. of India vide their letter dated 27.01.2023. In respect of the allegations in the complaint, it is seen that these allegations have either been dealt with in earlier complaints or are not substantiated. With regard to the alleged inducement to the complainant to withdraw his complaint, the conclusion of the status report is as under:

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“the audio file is not conclusive and contains no incriminating evidence against the officer mentioned in the complaint. The allegation of the complainant of being offered inducement of Rs. 15 lakhs is not substantiated from the audio recording. Nor is there any reference to the public servant taking gratification of approx. 55 lakhs.

The recording appears to be an informal conversation/discussion among a group of people where someone is discussing/sharing his grievances. It does not establish the identity of any person (including that of the complainant) in the conversation. The date and time of the discussion, the name of the company involved and names of the speakers also cannot be made out from the audio file.”

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The recommendation of the Director General of Vigilance (DGoV), Customs & Central Excise, New Delhi is as under:

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- (1) On perusal of the complaint and the investigation report, it has been found that almost all the allegations have been dealt previously (earlier complaints 61/2022 and 62/2022) and the relevant complaints were closed by the Hon'ble Lokpal of India vide Orders dated 03.02.2022 and 05.10.2022.*
- (2) The only new allegation emerging in the complaint is regarding the offer of Rs. 15 Lakhs to the complainant on behalf of the then ADC, Supdts. to withdraw all submissions against the then Additional Commissioner. A CD was submitted by the complainant with a recorded conversation as evidence. Transcript of the same is enclosed herewith (Exhibit A).*


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- (3) *On investigation, it is revealed that the audio is not decipherable as to which period it pertains to and who is talking to whom. The conversation is in Gujarati language and appears to be a general conversation regarding a case. There is no offer of Rs. 15 lakhs to withdraw the complaint against the then ADC in the audio. Hence, the allegation remains unfounded.*
- (4) *Also, the allegation against Director General of Vigilance, CBIC and Member (Admn.), CBIC and CVC for avoiding to execute the investigation correctly and gaining huge out of way are unsubstantiated.*
- (5) *In view of the above, the complaint merits closure.*

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The Division Bench has considered the inquiry report submitted by the CVC vide letter dated 31.01.2023 and inclined to accept the recommendation for the closure of this case.

Accordingly, the complaint is disposed of.


COURT MASTER
LOKPAL OF INDIA

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