

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

Complaint No. : 4498/2022.
Date : 14th February, 2023..
Coram : **Justice Abhilasha Kumari**
Judicial Member

Smt. Archana Ramasundaram
Member

Dr. Indrajeet P.Gautam
Member

ORDER

This complaint is directed against the Chief Commissioner, Central Board of Indirect Taxes & Customs (CBIC), Meerut Zone, Department of Revenue, Ministry of Finance, the Principal Commissioner, Additional Commissioner, Deputy Commissioner and Inspector, all named in the complaint. The allegations against these public servants are regarding corrupt practices, misuse of position, demand of money, involvement in tax-evasion, fraud and tax-refund fraud. The details of the allegations are discussed hereafter.

2. The Full Bench of the Lokpal of India considered the complaint on 30.11.2022 and, vide an order of that date, referred the matter to the Central Vigilance Commission (CVC), to cause a Preliminary Inquiry under Section 20(1) of the Lokpal and Lokayuktas Act, 2013, and submit a report on, or before, 17.01.2023.

3. In compliance of the above order, the CVC submitted the report vide their letter dated 20.01.2023. The comments of the

public servants and the Competent Authority have also been obtained.

4. With regard to the allegation against the Chief Commissioner that he had circulated a document regarding the level of conduct expected from young officers, it is stated in the report that the said public servant has informally circulated "Do's and Dont's" for young officers on a plain sheet of paper, on the request of the officers themselves. They cover only those aspects that are mandatorily a part of the training in NACIN and police academies. They are in the nature of advisories for newly-recruited uniformed officers (Inspectors). No substance has been found in this regard.

5. With regard to the allegations regarding transfers and postings done on the basis of monetary demand, it is found in the Preliminary Inquiry that all transfers and postings orders issued in October, 2022, were based upon recommendations given by a Committee consisting of one Principal Commissioner, two Commissioners and one Additional Commissioner, representing all the regions/sectors of the Zone. It has been noted that the complainant has not provided any details or evidence regarding the alleged monetary transactions. Further, no names have been provided of those officers who are allegedly involved in such monetary transactions. This allegation has not been substantiated.

6. Regarding the allegation against the Principal Commissioner being involved in the fraud pertaining to refund claims, it is stated in the report of the Preliminary Inquiry that the said public servant constituted a Committee to inquire into the matter and had taken remedial action in the form of possible recovery and vigilant action

against the concerned officers. This allegation has not been found to be correct.

7. Regarding the allegation against the Commissioner, to the effect that the Hon'ble High Court of Allahabad has penalised him, it is stated in the report that the Hon'ble High Court has imposed costs of Rs. 50,000/- on him on an issue that appears to be of a technical nature. A review petition has been filed by the said public servant in respect of this order.

8. With regard to the allegations that the Commissioner has been extorting money from tax evaders in lieu of arrest and, when the money is not received, arrests are made. It is stated in the report that the complainant has not provided any evidence or verifiable facts such as the names of the tax evaders and other persons concerned who were not arrested in lieu of gratification.

9. Regarding the allegations that the Chief Commissioner has earned hundreds of crores of rupees by demanding 2% (two per cent) cut during his postings in Mumbai and Gujarat and has properties in USA, Singapore and Ahmedabad, it is stated that these allegations cannot be verified without any evidence or verifiable details, such as the details and addresses of the properties.

10. Regarding the allegation of running of rackets by the said public servant through the ADC and DC and the involvement of these officers in corruption, it is stated that the complainant has not provided any evidence and has not mentioned the names of their relatives who are allegedly aiding them by receiving corruption money at their behest. No evidence has been provided

that can be verified. Hence, this allegation has also not been substantiated.

11. We have perused and considered the material on record, including the complaint and the Preliminary Inquiry Report. The complainant has not produced any material on record in support of the allegations made by him. The allegations regarding corruption have been found to be general in nature and no specific details have been provided. Further, nothing incriminating has emerged in the Report of the Preliminary Inquiry. While parting with this order, we are constrained to note that the language used by the complainant in the complaint tends to be rather unsavory, in places. The complainant may take note not to cross limits, in future.

12. In view of the above, we do not consider it necessary to proceed further. Accordingly, the complaint is closed and the matter stands disposed of.

RRK

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