

232

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

Complaint No. : **210/2023**

Date : **31.07.2024**

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

Shri Justice L. Narayana Swamy
Judicial Member

Shri Justice Sanjay Yadav
Judicial Member

Shri Sushil Chandra
Member


Shri Justice Ritu Raj Awasthy
Judicial Member

Shri Pankaj Kumar
Member

Shri Ajay Tirkey
Member

ORDER

1. This complaint is against the named public servants. The gist of the allegation is that the named officers had connived with the Parking

 1

Mafia to run the illegal parking behind the Select City Walk Mall, Saket, New Delhi in lieu of weekly and monthly bribes from them. As directed by the Bench, a preliminary report came to be submitted after an inquiry conducted in that regard. The said report came up for consideration of the Full Bench on 12.06.2024. The Full Bench passed the following order:

"Pursuant to the order dated 06.06.2024, the CBI through its Official, has submitted the Inquiry Report referring to the directions given by the Lokpal of India on 21.12.2023. Along with the Inquiry Report, other documents forwarded by the Inquiry Officer have also been circulated for our consideration.

2. *It is noticed that the Inquiry Officer, for complying with the mandate of Section 20 of the Lokpal & Lokayuktas Act, 2013, has forwarded the draft Inquiry Report to the Commissioner, Municipal Corporation of Delhi, presumably being the Competent Authority, on 08.04.2024. On the same day, a separate Inquiry Report has been prepared by him and forwarded to the Director, CVC on 09.04.2024, wherein it has been noted that the comments of the Competent Authority are awaited. In other words, two Inquiry Reports have been prepared by the same officer on the same date. It is not clear why two different reports are prepared for the same purpose on the same subject matter, which are not verbatim but separately prepared. Upon analysis of the two Reports, certain doubts have come to the fore including about factual aspects - for which reason we deem it appropriate to direct the Inquiry Officer to remain personally present to clarify our doubts on factual matters needing further elaboration/clarification by him.*
3. *Accordingly, we direct Shri xxxxxx, Superintendent of Police, CBI, New Delhi, who has prepared the subject Inquiry Report, to remain personally present on 03.07.2024 at 1130 hrs, with the relevant records for interacting with the Bench and to clarify the factual matters.*
4. *Copy of this Order be forwarded by the Registry to the named officer; and the concerned Department be also kept informed accordingly."*

2. In compliance with the direction given by the Full Bench, the IO prepared a consolidated report on 05.07.2024. That was forwarded to the Competent Authorities namely the Deputy Commissioner, MCD and Police Commissioner, New Delhi.

3. Dy. Commissioner of MCD in his comments dated 18.07.2024 stated that he did not have any words to give in the comments but he stated that "he would inquire the complaint". This comment in no way assist the IO improvise his report. The Police Commissioner gave his comments on 22.07.2024, by that time the Inquiry Report had already reached the Registry of the Lokpal. Thus, it is noticed that the IO had to submit his report on the basis of the material collated by him.

4. Reverting to the merit of the complaint, the allegation, though do not expressly state, to which period it belongs, but has to be considered for the period after the license was cancelled. The License was granted on 25.05.2022 and it was cancelled on 17.07.2023. During

the currency period of license terms and conditions therein were made applicable and the error committed by the licensee has been penalized. After the licence is cancelled the area which was allotted to the earlier licensee was made into two parts and two notifications were issued and the same has been allotted to the new licensee on 26.10.2023 and 02.02.2024 respectively. The crucial period for which these allocations pertain is from 17.07.2023 to 02.02.2024. In order to give a finding in respect of the allegations made, the I.O. examined the witnesses and also collected documents. The Dy. Commissioner of MCD and SHO of Police Station, Saket were examined and their statement have been recorded. The statement are that after the licence was cancelled, they put FREE PARKING display and they kept vigil for about many a time in a day to confirm whether the parking mafia was collecting any fees or not. It is on the basis of the statement of Inquiry Officer reports that there was no illegal collection of parking fee.

5. The IO further noted that the report was sent to the Public Servant for offering their comments on 05.07.2024. The RPSs have offered their comments and responded that there was no parking mafia

person at the site. The Free Parking Board was installed and vigil was kept. This reveals that there was no connivance with any of the officers.

6. We have thoroughly examined the material collated by the IO during the preliminary inquiry including the analysis of the IO in reaching the conclusion, as he did. We are convinced that the conclusion deduced by the IO, in the PI report under consideration, is backed by the material gathered by the IO. No other view is possible.

7. In the light of the above and the detailed discussion made in the Inquiry Report, it is our considered opinion that the allegation made against the Public Servants has not been substantiated. Resultantly, the complaint needs to be closed being devoid of substance.

8. Accordingly, the complaint is disposed of.

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

Sd/-
(Justice L. Narayana Swamy)
Judicial Member

Sd/-
(Justice Sanjay Yadav)
Judicial Member

Sd/-
(Sushil Chandra)
Member

Sd/-
(Justice Ritu Raj Awasthy)
Judicial Member

Sd/-
(Pankaj Kumar)
Member

Sd/-
(Ajay Tirkey)
Member


(Court Master)

//AK//