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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2423/2016 & C.M.Nos.10404-10405/2016

MANGAL SINGH

..... Petitioner

Through Mr.Ravinddra S.Garia, Advocate.

versus

COUNCIL FOR ADVANCEMENT OF PEOPLE ACTION AND
RURAL TECHNOLOGY AND ANR Respondents

Through Mr.S.K.Rungta, Sr.Advocate w ith
Mr.Prashant Singh, Advocate for R-1.
Mr.Roshan Lal Goel with Mr.Arun
Kumar and Mr.Anuj Gupta,
Advocates for R-2/UOI.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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21.03.2016

Present writ petition has been filed seeking a direction to implement the Action Points in the report prepared by Shri B.P. Maithani in the year 2011, the Evaluator appointed by Department of Rural Development, Government of India. The petitioner also prays for a direction to the respondents to pay the net present value of assets created by the petitioner in pursuance to the projects sanctioned by the Ministry.

Learned counsel for the petitioner points out that the respondents vide letter dated 23rd February, 2016 offered to settle the case with the petitioner without obtaining further audited statement of accounts and utilization certificates on payment of only an additional

amount of Rs.5 lakhs and that too, upon an undertaking that it would constitute a full and final settlement. He submits that the said offer is not in consonance with Shri B.P. Maithani's report prepared at the instance of respondent No. 1.

On the other hand, learned senior counsel for respondent no.1 states that the report of Shri B.P. Maithani has not been accepted by the Department of Rural Development, Government of India. He also states that the payment offered by the respondent no.1 in the year 2016 was in view of a decision taken by the Ministry of Rural Development and the Office of PMO in pursuance to letters written by the petitioner.

A perusal of the file reveals that the Rural Development Department as also the APC, Uttar Pradesh had filed cases against the petitioner and had even succeeded in getting the petitioner's bank account frozen and his land attached.

Keeping in view the aforesaid, this Court is of the view that serious disputed questions of fact arise for consideration in the present case. This Court is of the opinion that the report of Shri B.P. Maithani is not conclusive as firstly, it has not been accepted by the Department of Rural Development, Government of India, and secondly, this report can certainly be explained even in recovery proceeding filed by the petitioner. In fact, the said internal report does not amount to an admission on the part of the respondents.

Consequently, the present writ petition and the applications are dismissed with liberty to the petitioner to file an appropriate legal proceeding in accordance with law.

MARCH 21, 2016
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MANMOHAN, J