

\$~53

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

+ W.P.(C) 2396/2014

DR. SUBHASH C. BATRA

..... Petitioner

Through: Mr Sarvesh Bisaria and Mr Ashish
Azad, Advocates.

versus

UNION OF INDIA AND ANR

..... Respondents

Through: Mr Ripu Daman Bhardwaj, CGSC
and Mr Sahaj Garg, Advocate for R-
1/UOI.

Mr Ravinder Agarwal, Advocate for
CVC.

Mr K. K. Tyagi and Mr Iftekhhar
Ahmad, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

21.09.2017

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the Central Vigilance Commission (hereafter 'CVC') to take action on the report dated 10.05.2011, forwarded by the Officer on Special Duty (hereafter 'OSD') to CVC, in terms of Section 17 of the Central Vigilance Commission Act, 2003 (hereafter the 'Act').

2. The learned counsel for the petitioner submits that on a reference made by the CVC pursuant to the complaints filed by the petitioner, the

OSD had made an inquiry and submitted a report. However, no action has been taken pursuant to the said report.

3. The learned counsel for the petitioner has drawn the attention of this Court to Section 17 of the Act. In terms of Section 17(1), the report of an inquiry undertaken by an agency on a reference made by the CVC is required to be forwarded to the CVC. Section 17(2) of the Act, *inter alia*, enjoins the CVC to advise Central Government and corporations established by or under any Central Act as to the further course of action.

4. The learned counsel for the respondents submits that the provisions of Section 17 of the Act are not applicable since, no reference was made by the Commission to the OSD for conducting any inquiry. He further submits that *suo moto* report furnished by the OSD was considered by the CVC and after considering the relevant facts it was decided not to proceed any further.

5. The learned counsel for the petitioner disputes the same. He, however, states that the petitioner would be satisfied if CVC is directed to reconsider whether the report of the OSD falls within scope of section 17 of the Act and also communicate the decision taken thereon to the petitioner. He further states that the two complaints submitted under the "VIGEYE" are still being reflected on the website of the CVC as pending.

6. In view of the above, the CVC is directed to consider whether the report of the OSD could be considered as a inquiry report under section 17 of the Act and communicate its decision to the petitioner. The CVC would

also take a decision in regard the petitioner's pending complaints (including where the said complaint need to be processed any further) and the decision so taken would be communicated to the petitioner.

7. The petition is disposed of with the aforesaid directions.

VIBHU BAKHRU, J

SEPTEMBER 21, 2017/MK