

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-1060-2023 (O&M)

Date of Decision:- 11.1.2023

Subhash Chander

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Chanderhas Yadav, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No. 43 dated 28.11.2022 under Sections 409, 418, 420, 467, 468/120-B IPC and Section 13(1)(C), 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 at Police Station State Vigilance Bureau, Gurugram, District Gurugram.
2. As per the case of prosecution, the Estate officer, HUDA had put up SCO No. 30, Sector 23/23-A, DSC Gurugram for auction in the year 1997 and the same was allotted to its highest bidder i.e. M/s R.R. Foundation Engineering Private Limited on 27.11.1997 for an amount of Rs.39,52,000/-. A formal allotment letter No. 288 dated 18.12.1997 was also sent by HUDA to M/s R.R. Foundation Engineering Private Limited. However, the same was received back with the report that no such company exists at the given address. Consequently, the allotment amount of 15 percent required to be deposited initially was not deposited by M/s R.R. Foundation Engineering

Private Limited and the allotment letter was cancelled on 10.4.1998. Though, M/s R.R. Foundation Engineering Private Limited preferred an appeal and also a revision against the said order but the same were dismissed on 16.4.1999 and 28.2.2000. M/s R.R. Foundation Engineering Private Limited also approached the District Consumer Redressal Forum, Gurugram but remained unsuccessful even before the Forum. The appeal filed against the judgment dated 1.8.2018 passed by the District Consumer Redressal Forum was also dismissed by the State Consumer Disputes Redressal Commission, Haryana on 30.11.2011.

3. One V.K.Goel, Attorney of Rishi Raj, Director, M/s R.R. Foundation Engineering Private Limited filed CWP No. 12629 of 2016 and CWP No. 8565 of 2018 for getting the allotment restored in respect of SCO No. 30 and also SCO No. 8. During the pendency of the said writ petitions, the GPA holder namely Shri V.K. Goel moved an application before the government on 7.3.2018, which was sent to the office of the Chief Administrator, HUDA, Panchkula.
4. It is further the case of prosecution that the Chief Administrator, HUDA vide letter dated 122448 dated 15.6.2018 and e-mail dated 27.7.2018 directed the Estate Officer, HSVP, Gurugram to investigate as to why the allotment letter had not been received by M/s R.R. Foundation Engineering Private Limited and that in case the same had not been issued, then necessary steps be taken in this regard after verification of the facts and it was directed that report be submitted within three days. One e-mail to a similar effect was also sent to the Administrator, HSVP, Gurugram. It is alleged that the Estate Officer, HUDA, Gurugram thereafter reissued allotment letter vide letter No. 739 dated 22.6.2018 and that too at the old price. The order of re-allotment was

issued by Ram Swaroop Verma, the then Administrator, HUDA with the permission of the Chief Administrator, HUDA. It is alleged that Bharat Bhushan Taneja, Superintendent did not bring the correct facts to the notice of the Chief Administrator, HUDA and prepared a wrong noting to be placed before the Administrator HUDA and Estate Officer, HUDA and that no permission was sought by the Estate Officer, HUDA from the Chief Administrator, HUDA for re-allotment of the SCO. Subhash Chander (petitioner) was allegedly working as Deputy Superintendent at the relevant time and had prepared the noting at the initial level, allegedly in connivance with other accused.

5. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and had no role to play in the re-allotment of the SCOs and that he cannot be held responsible in any manner in re-allotment of the SCOs in favour of M/s R.R. Foundation Engineering Private Limited which came to be allotted by the Administrator HUDA. The learned counsel has further submitted that as a matter of fact the entire proceedings had been initiated pursuant to a letter No. 122448 dated 15.6.2018 and e-mail dated 27.7.2018 issued by the Chief Administrator, HUDA, vide which the matter was virtually re-opened and that the petitioner being one of the lower ranking employees is being made the scapegoat.
6. Opposing the petition, the learned State counsel has submitted that the petitioner was hand-in-gloves with the other accused including Sajjan Singh, Section Officer, Sanjay Kumar, Clerk, Mukesh Solanki, the then Estate Officer of HUDA, V.K.Goel, Power of Attorney holder of Rishi Raj, Director of M/s R.R. Foundation Engineering Private Limited and also Rishi Raj himself and that it was on the basis of the noting prepared, processed

and forwarded by the petitioner wherein material factum had been concealed that the re-allotment letter came to be issued and that too at the old rates.

7. This Court has considered the rival submissions.
8. The petitioner, admittedly, was working as Deputy Superintendent in the office of the Chief Administrator, HUDA. It is no doubt correct that it was pursuant to letter No. 122448 dated 15.6.2018 (Annexure P-9) sent by the office of Chief Administrator to the Administrator that comments were sought in respect of the representation dated 7.3.2017 submitted by M/s R.R. Foundation Engineering Private Limited as regards non-delivery of the official allotment letter. However, the petitioner, in response to the said letter was expected to have brought complete facts to the notice of his superiors, particularly when not only the appeal and revision against the cancellation order already stood dismissed but even the District Consumer Redressal Forum and the State Consumer Disputes Redressal Commission, Haryana had dismissed the petitions filed by M/s R.R. Foundation Engineering Private Limited against the cancellation order. During the course of investigation, it had surfaced that the petitioner had been given an amount by V.K.Goel. V.K.Goel had paid an amount of Rs. 2 lacs to Mukesh Solanki, the then Estate Officer, HUDA, Gurugram; Rs. 60,000/- to Subhash Chander, Deputy Superintendent (petitioner) and Rs. 75,000/- to Sajjan Singh, Section Officer and to Sanjay, Clerk as bribe in lieu of issuance of a re-allotment letter. The aforesaid position clearly indicates the active involvement of the petitioner and infact shows that it was on account of concealment of material facts in the noting that the re-allotment letter came to be issued and that too at old rates as were prevalent two decades earlier in Gurugram, whereas the prices of land in Gurugram would have sky-rocketed

during two decades, despite the fact that appeal and revision against cancellation of allotment already stood dismissed.

9. The petition, as such, is sans merit and is hereby dismissed.

11.1.2023
kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No