



\$~20

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

+ **W.P.(CRL) 3833/2023 & CRL.M.A. 5340/2024**

SATISH CHAUHAN

.....Petitioner

Through: Mr. Deepak Chauhan and Mr. Kamal Chauhan, Advocates.

versus

STATE OF NCT DELHI & ORS.

.....Respondents

Through: Mr. Amol Sinha, ASC with Mr. Kshitiz Garg, Mr. Ashvini Kumar, Mr. Nitish Dhawan and Ms. Sanskriti Nimbekar, Advocates for the State.
SI Ankur Sharma, PS: Sultanpuri.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

24.09.2025

1. On 27th March, 2025, the Court passed the following order:

*"1. The Petitioner asserts that on 3rd March, 2023, he witnessed illegal black marketing of government fair price shop goods and informed the local police of the same. Dissatisfied with the manner in which the police conducted the investigation, the Petitioner states that he was constrained to file an application under Section 17A of the Prevention of Corruption Act, 1988¹ before the Special Judge (PC Act), CBI, Rouse Avenue Court, New Delhi, which was registered as case no. 145/2022 titled **Satish Chauhan v. Mukesh Ahlawat and Ors.** During the course of proceedings in the said case, the Petitioner was informed that the Court could proceed further only after obtaining the requisite sanction under Section 17A of the PC Act.*

2. In furtherance of this, the Petitioner claims to have submitted a request dated 28th June, 2023 to the Hon'ble Lieutenant Governor of Delhi for grant of permission to conduct an investigation under Section 17 of the PC Act. The said request was allegedly sent via email. Thereafter, the

¹ "PC Act"



Petitioner filed an application under the Right to Information Act, 2005² seeking the status of the said request. In response, through a communication dated 25th July, 2023, the Lieutenant Governor Secretariat informed the Petitioner, that his application had been transferred under Section 6(3) of the RTI Act to the Public Information Officers³ of the offices of the Chief Secretary and the Directorate of Vigilance, GNCTD, for further action. The said communication reads as follows:

**“LT. GOVERNOR'S SECRETARIAT
RAJNIWAS: DELHI-110054”**

No.500/RTI/23-24/RN/47836/3422
(LGOVS/R/2023/60283)

Dated: 25-07-2023

To

Sh. Kamal Chauhan.
P-1287, Sultanpuri,
Delhi-110086

Subject: Supply of information in c/o RTI application under RTI Act 2005 of Sh. Sh. Kamal Chauban (RTI ID No. 47836) received through E-RTI portal, GNCTD, (Reg. No. LGOVS/R/2023/60283) regarding status of email dated 28.06.2023.

Sir,

Please refer to your application filed under RTI Act 2005 through E-RTI, Portal, GNCTD on 03/07/2023. In this regard, it is informed as under:

As per record an email dated 28.06.2023 received from kamal 0041992 eamil.com, the said email has been forwarded to the Chief Secretary GNCID (csdelhi@nic.in), and Directorate of Vigilance GNCTD (dvigil@nic.in) on 30/06/2023. Any further information regarding this e-mail pertains to O/o Chief Secretary GNCTD, and Directorate of Vigilance GNCT may be obtained from that offices.

Further, your RTI application is also being transferred as 6(3) of RTI Act-2005 to the PIO, O/o Chief Secretary GNCTD, and Directorate of Vigilance GNCTD, for providing information held by them in the matter. It is also intimated that if you do not receive appropriate information from above mentioned Department or the reply received from them is not satisfactory, you may file your 1st appeal before the First Appellate Authority of the above said Departments i.e. O/o Chief Secretary GNCTD, and Directorate of Vigilance GNCTD.

As per section 19 of the RTI Act-2005, you may file your 1st appeal before the First Appellate Authority i.e. Sh. Anoop Thakur, Pvt. Secy. To Lt. Governor, Raj Niwas. Delhi, within 30 days of issue of this letter if not satisfied with the information of this office given above.

Sd/-

² “RTI Act”

³ “PIOs”



(J. P. Kothari)
Dy. Secretary-cum-PIO
Lt. Governor Secretariat”

[Emphasis supplied]

3. The Petitioner submits that despite the afore-noted communication, the status of his request dated 28th June, 2023, seeking permission under Section 17A of the PC Act, remains unknown. He further points to a subsequent communication dated 2nd August, 2023, issued by the Directorate of Vigilance in response to another RTI query, which also failed to clarify the outcome of his request. The relevant extract of the said response reads as follows:

S. No.	Information Sought	Reply
1	What action has been taken on letter having subject "Regarding 17A permission allegation of PC Act requirement of Court Case, Titled: Satish Chauhan V/s Mukesh Ahlawat, MLA Sultanpur sent on mail ID: lgdelhi@nic.in, csdelhi@nic.in on Dt. 28.06.2023	The complaint is being forwarded to ACB for necessary action.
2	Whether the letter submitted to the LG office? If not, reason thereof.	Not applicable in reference of above
3	Provide the certify copy in respect to reply of above.	Not applicable in reference of above

4. Furthermore, on 13th December, 2023 the Directorate of Vigilance sent another communication to the Petitioner, stating that no case relating to the subject matter of his complaint was found in their records. The said communication reads as follows:

“Government of National Capital Territory of Delhi
{Directorate of Vigilance}

4th level, C-Wing, Delhi Secretariat, I P Estate, New Delhi 110002

F. No. 17A/100/Misc/DOV/2022/14005

Dt. 13/12/2023

To

Sh. Satish Chauhan,
P-1/287, 288, Sultan Puri,
Delhi-110086.

Sub: Regarding permission of the Competent Authority Under Section 17A POC Act, against Sh. Mukesh Ahlawat, MLA, Sultanpur Mazra on the basis of complaint filed by Sh. Satish Chauhan, Member BJP, Sultanpur Mazra.

Sir,

This is in reference to your complaint Dt. 28.06.2023 addressed to Hon'ble LG, Delhi vide which it is requested to give permission for investigation under section 17A POC Act, 1988 against Sh. Mukesh Ahlawat, MLA, Sultanpur Mazra.



In this regard, it is submitted that on scrutiny of the records available in this Directorate it has found that no such case on subject cited above has been dealt within this Directorate.

Further, the ACB, GNCTD vide their letter Dt. 31.10.2023 (copy enclosed) has also confirmed that the complaint of Sh. Satish Chauhan against MLA Sh. Mukesh Ahlawat has not been received w.e.f. 01.01.2022 to till date (16.10.2023), and also informed that this matter is pending with vigilance, Delhi Police vide subject "Satish Chauhan Vs. Mukesh Ahlawat and Ors" and SHO/Vigilance, Delhi Police is attending the matter in the Hon'ble Court.

This is for your kind information please.

Yours faithfully,

Sd/-

(B.M.S. NEGI)
Section Officer (Vig.)

[Emphasis supplied]

5. In the considered view of the Court, it is evident from the communication issued by the Hon'ble Lieutenant Governor's Office on 25th July, 2023, that the Petitioner's request dated 28th June, 2023 was indeed forwarded to the Directorate of Vigilance on 30th June, 2023. However, no final decision appears to have been communicated to the Petitioner till date. In the circumstances, the competent authority is directed to take an appropriate decision on the Petitioner's application under Section 17A of the PC Act and communicate the same to the Petitioner, in accordance with law, before the next date of hearing.

6. Issue notice. Mr. Amol Sinha, ASC (Criminal) for Respondents, accepts notice. Let a status report/ reply be filed on or before the next date of hearing.

7. Re-notify on 28th July, 2025."

2. Pursuant to the said directions, a status report has now been received. The Director of Vigilance had called upon the Anti-Corruption Bureau⁴ to furnish a detailed status report. In response, the ACB, upon scrutiny of its records, confirmed that no complaint of Satish Chauhan against MLA Mukesh Ahlawat had been received by them between 1st January, 2022 and

⁴ "ACB"



16th October, 2023.

3. Accordingly, Mr. Amol Sinha, ASC for the State, submits that if the Petitioner were to file a fresh application, the same would be duly considered and disposed of in a time-bound manner.

4. In light of the above, the present petition is disposed of with liberty to the Petitioner to submit a fresh application to the office of the Hon'ble Lieutenant Governor within a period of one week from today. If such an application is received at the office, a decision shall be taken on the same, in accordance with law, within four weeks thereafter and convey the same to the Petitioner.

5. All rights and contentions of parties are left open.

6. The Petitioner shall also be at liberty to take recourse to appropriate remedies, in accordance with law, should the decision on his representation not be to his satisfaction.

7. Pending application also stands disposed of.

SANJEEV NARULA, J

SEPTEMBER 24, 2025

d.negi