

IN THE COURT OF SHRI HASAN ANZAR,
SPECIAL JUDGE, PC ACT (CBI-03),
ROUSE AVENUE DISTRICT COURT, NEW DELHI

CBI Vs. Trilok Chand & Ors.
CC No. 56/24
Charge Sheet No. 9
Date of Institution: 03.06.2024

30.01.2026

ORDER ON COGNIZANCE

1. The case of prosecution as disclosed from the perusal of charge-sheet is that an FIR u/s 120-B, 420, 467, 468 and 471 IPC and 13 (2) r/w 13 (1) (d) of the Prevention of Corruption Act, 1988 (*hereinafter to be called as 'PC Act'*) was registered against Ravinder Kumar, Asst. Director (Horticulture) and other unknown officials on the basis of a complaint dated 02.11.2016 of Executive Engineer (Vig.), PWD, Delhi interalia alleging that Ravinder Kumar, Asstt. Director had invited 62 tenders during April, 2016 to September 2016 of Rs. 1,16,83,865/- and of which 51 tenders were found to be fake indicating that Ravinder Kumar had distributed the work to pre-decided contractors without call of tenders by manipulating and falsifying the record. It was also alleged that Ravinder Kumar, AD (Horticulture) had mentioned the fake ID of tender by preparing the similar documents through computer. From the single FIR/RC, 21 separate charge-sheets were filed and present case is related to one of the charge-sheets arising out of RC No. 32 (A)/2017.

2. IO has explained the charge-sheet and the Id. Sr. PP for CBI had advanced submission in support of the charge-sheet. Ld. Sr. PP contended that in view of the death of both the public servants, the charge-sheet be sent to the Court of Ld. Judicial Magistrate having jurisdiction in the present case.

3. In order to understand the present charge-sheet, it is deemed appropriate to delineate the process involved in the preparation of tender, award of tender to successful bidders and the completion of work as per tender in Horticulture Department, PWD, Delhi.

Process in Brief of award of tender, execution and payment by Horticulture Department.

4. Prior to floating of the tender by Horticulture Department, PWD Delhi, the estimate of the work is prepared by Section Officer and Asst. Director (Horticulture) and the technical sanction of work upto Rs. 2 Lakhs is accorded by Asst. Director (Horticulture). The estimate prepared by Section Officer and Asst. Director (Horticulture) is sent to Division Office and the Division Office sent back to the Sub Division Office and whereby it authorizes Sub Divisional Officer i.e. the competent authority to call for the tender and the present charge-sheet designates Asst. Director (Horticulture) as competent authority for PWD-(VI). The Division Office carry out the scrutiny of the estimates by checking authenticity of items, rates, etc and after it is found to be in order, then, NIT number is generated and thereafter, Division Office sent back the estimate and other documents alongwith NIT Number to the concerned Sub Division Office. The concerned

Sub Divisional Officer i.e. Asst. Director (Horticulture) In-charge of Sub Division issues NIT by uploading it on the e-Procurement Site of Govt. Of NCT of Delhi and the copy of the NIT number is also sent to the Divisional Officer for further information.

5. Thereafter, the bids are invited through the e-Procurement Site of Govt. Of NCT of Delhi i.e. <https://govtprocurement.delhi.gov.in>. The required documents and Earnest Money Deposits (EMD) is required to be deposited by the bidders. The tenders are opened jointly by Asst. Director (Horticulture) and Asst. Director (*Horticulture*) of another Sub Division by using their respective digital keys. An entry is also made in the Tender Opening Register.

6. The bids are opened in two stages i.e. technical bids and financial bids. The financial bids of successful technical bidder are called. The BOQ summary details are downloaded and the hard copy of the documents were also taken and thereafter, the respective financial bids are opened and the rates quoted by the bidder are evaluated and a letter is issued in favour of the lowest bidder for submitting performance guarantee. The letter is also sent to the Division Office informing about the finalization of the tender and the name of the lowest bidder. Asst. Director (Horticulture) issues performance guarantee letter to Lowest Bidder. The bidder submits Performance Guarantee (PG) in the Sub Division which is further forwarded to the Division Office for acceptance of the Performance Guarantee and after acceptance of the Performance Guarantee, the award letter is issued in the name of the successful bidder and the

agreement is executed between the Asst. Director (Horticulture) and Contractor.

7. After execution of the agreement, work at the site is undertaken by the Contractor, which is also subject to the inspection by Site Incharge/JE. The entries are also recorded in the Measurement Book which is prepared by JE and the Contractor also used to put his signatures after accepting the measurement. Asst. Director used to check 50 per cent of the work after the work is completed, SDC(Sub Division Clerk) prepares the bill on the basis of entries by submitting it in the Accounts Branch of Division Office for payment of bills. The Bills are checked by Account Branch of Division Office as per Measurement recorded in the Measurement Book and thereafter, the payment are released to the Contractor through RTGS.

8. The allegations in the present charge-sheet are to the effect that Ravinder Kumar, Asst. Director (Horticulture) (*Now Deceased*), Public Servant in connivance with Trilok Chand, Section Officer (*Now Deceased*), Public Servant and other persons had illegally awarded a contract to Sh. Mahesh Pandey, Proprietor of M/s Plants Care. It is also alleged that Trilok Chand (*Now Deceased*) Public Servant made false entries regarding execution of work in the Measurement Books and prepared false abstract of work and on the basis of which bills were prepared and payment was released to Mahesh Pandey, Proprietor of M/s Plants Care.

9. It is alleged that Ravinder Kumar (*now deceased*) Public Servant had obtained technical sanction alongwith estimate/abstract

cost from Sh. S.N. Labh, Deputy Director (Horticulture) for floating a tender and pursuant to which, a specific NIT Number was also recorded in the record maintained at the office of Deputy Director (Horticulture). The investigation revealed that fabricated technical and financial bids indicate some firms as participants even though their bids were never received and and therefore, Ravinder Kumar has abused his official position and awarded contracts to M/s Plants Care through proprietor Mahesh Pandey, by declaring it as L-1 and executed an agreement between Sh.Mahesh Pandey, Proprietor M/s Plants Care and Ravindra Kumar, Asst. Director (H)-2143.

10. During the course of investigation, NIC and Delhi e-Governance Society vide their letters respectively have intimated that the tender ID was not published or uploaded on the e-procurement site of Government of NCT of Delhi and NIC has also intimated that BID Number mentioned in the documents were also false. The necessary details of the tender ID is as under:-

Sl. No.	TENDER ID	AGREEMENT Number	AMOUNT
1.	2016_PWD_106623_0 1	23/AD(H)/East-3/ PWD/DS/DG.16-17	Rs. 1,98,465/-
			<u>Total Rs. 1,98,465/-</u>

11. Vide Order dated 09.09.2020, the Court returned the charge-sheet and also directed for further investigation on certain aspects as to how role of the Computer Operators were fixed including the material relied against them and the modus operandi of commission of fraud, etc.

12. Thereafter 01.06.2024, a charge-sheet was filed without any FSL Report and the matter was adjourned on few dates either due to the absence of the Investigating Officers or for want of FSL Report and subsequently FSL report was filed in the court on 06.03.2025.

13. The present charge-sheet gives better clarity regarding the use of digital keys and further avers that the tender ID was bogus and fraudulent in nature since no tender was uploaded on NIC portal. It was portrayed that bid was received whereas no actual Bids etc was received and the physical copies of the documents with respect to the above mentioned tender ID was allegedly kept in the file by giving an impression that physical copies qua Tender ID was downloaded from the website. However, the documents relating to the tender ID was created by accused persons in conspiracy with each other. The charge-sheet further explains that in normal tender process, the digital keys are used to upload a tender on the website. Since, no tender was uploaded so the question of usage of any digital keys against the said tender ID does not arise. The physical copies of the documents available against the tender ID appears to be a product of forgery and were seemingly created to give impression that necessary formalities had been duly complied.

14. The Quality Assurance Inspection Team in its Inspection Report dated 28.11.2016 had pointed out various deficiencies/short comings/lacunae with respect to the above mentioned work order/tender IDs executed in pursuance to the agreements. The Statements of members of Quality Assurance Inspection Team such as Sh. Praveen Kumar Sharma, Sh. V.K. Gupta and Sh. S.R. Gupta were also recorded.

15. It is evident from the perusal of the material on record that public servants had abused their official position in such a manner by awarding the civil work in favor of the party which did not participate in any tendering process and the material on record in the form of voluminous documentary record were fabricated in such a manner as if the private person was successful in the normal bidding process and contract was executed between the private person and the department and the payments etc were released to him and it was also found during the inspection that work was performed at the site by the contractor in collusion with the public servants.

16. Prima-facie Material available on record indicates that both public servants had abused their official position.

17. The CBI has also charge-sheeted contractual employee/Computer Operator namely Suman Gupta by alleging that she had prepared forged and fabricated documents merely on the basis that she used to assist Sh. Ravinder Kumar, Asst. Director (Horticulture) who was not well versed in operation of the computer system. However, in order to make out some case, even if it is not a

prima facie case, it is incumbent on the investigating agency to place bare minimal material/document to point out that documents were forged and fabricated by the computer operator, the period/ time line when forged documents were prepared and the circumstances when such documents were allegedly created and connecting them with the individual act of preparation of forged and fabricated documents. There is complete absence of any documentary or oral evidence connecting the computer operator with the individual act of preparation of any forged and fabricated documents except for the bald assertion that since she used to work with deceased Ravinder Singh and therefore she had forged the documents/ electronic record. No material whatsoever has been brought to substantiate her involvement in the preparation of forged documents in the official computer system. *(It is also not the case of the prosecution that any other computer system was used for preparation of the forged documents)*. No witness had stated that Suman Gupta or any of the computer operator had prepared forged and fabricated documents. There is no evidence or material as to who had accessed the official computer system of Ravinder Singh particularly when the so called tendering and its related action took place between April 2016 to September 2016 whereas the computer system was seized on 10.08.2018 and sent to CFSL for analysis through forwarding letter dated 11.11.2022. There is complete absence of any material on the basis of which any conclusion could be arrived that computer operator Suman Gupta had any role to play in the making of forged and fabricated document or that she was part of any conspiracy. The CBI has simply placed on record letter from Deputy Director (Horticulture Division) that services of the computer operators were

hired from M/s Sugandha Farms & Nursery and she was posted in the Sub Division-2143. Merely on this basis, no criminal liability can be fastened on the computer operator.

18. The forensic analysis report as submitted alongwith charge-sheet is not very categoric as no document or PDF were found from the retrieved hard disk and only some data was received from unallocated cluster was stated to be found without any contents except some tender IDs were mentioned which is not sufficient to link the computer operator. The charge-sheet without any basis attributes that particular computer operator had prepared the tender related document without specifying how it came to the conclusion that some tender related documents were forged by a particular computer operator. The justification that since Ravinder was not conversant with the operation of the computer operation would not ipso facto lead to the conclusion that since computer operator(s) was attached with Ravinder Kumar so that they must have forged the documents. Nothing incriminating material/ things were recovered either from the house of Suman Gupta or at her instance and nothing is brought on record to indicate that she had received any financial gain/benefit from the work awarded to the private persons/contractor.

19. It is observed in the Case titled as *Rasiklal Mohanlal Gangani Vs. State & Anr of Hon'ble Delhi High Court in CRL.M.C. 6012/2019* dated 23.06.2025 that:-

26. Issuance of summons is a serious issue and it is thus imperative that the summoning order shows due application of mind and examination of the facts of the case as well as the evidence on record. In the case of Pepsi Foods Ltd. and

Another v. Special Judicial Magistrate and Others: (1998) 5 SCC 749, the Hon'ble Apex Court had observed as under:

“28. Summoning of an accused in a criminal case is a serious matter. Criminal law cannot be set into motion as a matter of course. It is not that the complainant has to bring only two witnesses to support his allegations in the complaint to have the criminal law set into motion. The order of the Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto. He has to examine the nature of allegations made in the complaint and the evidence both oral and documentary in support thereof and would that be sufficient for the complainant to succeed in bringing charge home to the accused. It is not that the Magistrate is a silent spectator at the time of recording of preliminary evidence before summoning of the accused. The Magistrate has to carefully scrutinise the evidence brought on record and may even himself put questions to the complainant and his witnesses to elicit answers to find out the truthfulness of the allegations or otherwise and then examine if any offence is prima facie committed by all or any of the accused.

20. In view of the above discussion, no case is made out against computer operator Suman Gupta.

21. In *CBI Vs. Jitender Kumar Singh in Criminal Appeal No. 161 of 2011* dated 05.02.2014 delivered by Hon'ble Supreme Court of India and it was observed that Section 3 (1) of Prevention of Corruption Act, 1988 that a Special Judge is empowered to trial any offence punishable u/s 3 (1) (a) of the PC Act as well as to try u/s 3 (1) (b) any conspiracy to commit or any attempt to commit or any abetment of any of the offences specified in Clause A of Section 3 of

PC Act. It was also observed that while trying an offence under Prevention of Corruption Act, any other offence shall also be tried by the Spl. Judge. In the present case, both the Public Servants are no more and the private person is charged for committing offence under Penal Code as well as Conspiracy to commit an offence punishable under PC Act. Since, the charge-sheet has invoked Section 120-B, 420, 467, 468 & 471 IPC & 13 (2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988 therefore, this Court retains the jurisdiction to consider the present charge-sheet by virtue of Section 3 and 4 of PC Act.

22. The cognizance of an offence is taken not the offender, notwithstanding the death of both the public servants, Section 5 of PC Act provides that Court could take cognizance without the accused being committed to it for trial.

23. The Investigating Agency has placed on sufficient material on record which indicates that by abuse of public office by public servants, tender was granted in favour of the private person and the private person reaped the benefits by taking payment, etc from Government of NCT of Delhi and further indicates that in pursuance to the criminal conspiracy offences under penal code and offences under PC Act and therefore, the cognizance of the offence as mentioned in the charge-sheet is taken.

24. Sh. Ravinder Kumar and Sh. Trilok Chand (A-1) were public servants and both of them had expired and therefore, the summons cannot be issued to them as proceedings against them stand abated.

As discussed above, no sufficient material exist against Suman Gupta (Computer Operator) and accordingly, she is not being summoned for the offences mentioned in the charge-sheet.

25. Sufficient material is brought on record which clearly indicates that A-3 Mahesh Pandey, Proprietor of M/s Plants Care without any real participation in the tender process and managed to get the work order and caused wrongful gain to himself and loss to the Government and therefore, offences u/s 120-B r/w 420 , 467, 468, 471 IPC r/w 13(2) r/w 13 (1) d of PC Act 1988 and substantive offences u/s 420 , 467, 468, 471 IPC are made out against him.

26. Accordingly, issue summons to A-3 Mahesh Pandey for committing offences u/s 120-B r/w 420, 467, 468, 471 IPC r/w 13(2) r/w 13 (1) d of PC Act, 1988 and substantive offences u/s 420 , 467, 468, 471 IPC for **23.02.2026**.

*(Dictated and announced in the
Open Court today i.e. on 30.01.2026)*

(HASAN ANZAR)
Special Judge (PC Act) CBI-03,
RADC/New Delhi/30.01.2026