

IN THE COURT OF SPECIAL JUDGE: PC ACT (CBI) - 04,  
ROUSE AVENUE DISTRICT COURTS, NEW DELHI.

CBI No. 132/2024

RC 0032024A0035

CBI Vs. Mohd. Arif & Ors.

P.S : CBI/ACB/New Delhi.

U/s 61(2) of BNS 2023 r/w 7,7A & 8 PC  
1988 Act (As amended in 2018)

21.05.2025

Present : Sh. Hari Mohan, Ld. Sr. Public Prosecutor for  
CBI.alongwith I.O/Dy SP S.K Pandey.

Clarification as sought vide order dated 27.02.2025  
is furnished by CBI today.

**ORDER**

1. The present RC was got registered on source information against accused Mohd. Arif, Sr. Environmental Engineer, Delhi Pollution Control Committee (DPCC), Vikas Bhawan-II, Civil Lines, Delhi who was allegedly indulging in corrupt practices of obtaining bribes from representative of private firms for showing undue favours in renewal of DPCC Consent for their firms in conspiracy with accused Bhagwat Sharan Singh, a private person. The said Bhagwat Saran used to acts as middleman and collected money from such firms on direction of accused Mohd. Arif and delivered the same to him on regular intervals.

1.2 It is further alleged that on 02.09.2024, accused Bhagwat Sharan Singh contacted one Raj Kumar Chugh, Proprietor of M/s Ram Electroplaters for payment collection and told that he would send his son Kishlaya Sharan Singh (co-accused) for the same.

Thereafter, accused Bhagwat Sharan Singh apprised accused Mohd. Arif that the representative of M/s Ram Electroplaters assured him the payment. **Thereupon, accused Arif told accused Bhagwat Sharan Singh the name of other four firms and asked him if the said firms were unwillingness to give payment, then he would send his officials at their site for inspection.**

1.3 As per the source information, accused Bhagwat Sharan Singh got a payment of Rs.80,000/- collected from Sh. Raj Kumar Chugh ( Proprietor of M/s Ram Electroplaters) after negotiation through his son Kishlaya Sharan Singh. Further, accused Bhagwat Sharan Singh in criminal conspiracy hatched with accused Mohd. Arif also contacted one Gopal Nath Kapooria of M/s MVM, Narela Industrial Area, Delhi and demanded a payment of Rs.1 lacs for accused Mohd. Arif or his firm would be got inspected by accused Mohd. Arif through his officials of DPCC. Thereafter, accused Bhagwat Sharan Singh got collected the payment through his son Kishlaya Sharan Singh from the residence of Sh. Gopal Nath Kapooria.

1.4 It is further alleged that on 06.09.2024 and 07.9.2024 Mohd. Arif SEE contacted Bhagwat Sharan Singh for receiving the collected bribe amount. Accused Bhagwat Sharan Singh assured him that he would get the same delivered on 08.09.2024. Accordingly, CBI ACB, New Delhi, registered the present case on 08.09.2024 and a trap was laid upon Mohd. Arif, Sr.E.E, DPCC, at his residence. Accused Mohd. Arif and Kishlaya Sharan Singh were caught red handed while they transacted the bribe amount of Rs.91,500/- for extending favour to 05 firms/unit with documents having 05 Red/Orange Category Units viz;

M/s Ram Electroplaters, M/s MVM, M/s Super Wash, M/s S.S Plastic Industries and M/s Z.K. Plastic Industries. The names were found written on piece of paper delivered with bribe .

2. During the investigation, on 08.09.2024 search of residential premises of accused Bhagwat Sharan Singh at 27A & 28A, Khasra No.529, Gali No.9, Bhawani Nagar, Dinapur, Najafgarh was conducted in which incriminating documents such Hard Disk, Flower Dairy and Mobile Phone VIVO T3 as detailed in Para-17.6 of the chargesheet were seized .

2.1 During house search of accused Mohd. Arif, an amount of Rs. 2,40,40,000/- was also found, out of which a sum of Rs.2,39,00,000/- has been seized. Necessary action in connection is being taken.

3. The Sanction for Prosecution under Section 19 of P.C Act has been accorded by the Competent Authority.

4. Thus, the aforesaid facts, circumstances and the evidence disclose commission of offence punishable under Section 61 (2) BNSS r/w 7, 7-A and 8 of PC Act 1988 and substantive offences on the part of accused namely (I) Mohd. Arif, Sr. Environmental Engineer, DPCC (II) Bhagwat Sharan Singh (III) Kishlaya Sharan Singh (IV) Raj Kumar Chugh of M/s Ram Electroplaters and (V) Gopal Nath Kapooria of M/s MVM Products. Therefore, request is made for summoning the said witnesses for trial.

5. **Heard and considered.**

6. It is submitted by Ld. Sr. PP for CBI assisted by I.O regarding recorded conversation which has been relied by them being part of D21-22 has reference qua one Thakur. It is informed that disclosure of Mohd. Arif (A1) was recorded wherein he claimed that Rs.2.5 lacs was given to said Thakur as friendly loan.

The said claim of CBI is apparently against the context of the recorded conversation. His name is also clearly mentioned in D19 and D20 which are list recovered from the possession of A1 and A2 respectively. Out of the alleged bribe amount collected from five firms Rs.2.50 lacs is paid to him as per the list. **Despite the availability of said incriminating evidence, the said Thakur was never joined in the investigation nor confronted with the purport of the said recorded conversation. Thus it is apparent despite the availability of the recorded conversation, no worthwhile investigation qua the names and context mentioned therein has been done.**

7. Now, coming to the issue with respect to the inspection of the premises falling under various categories i.e Red, Orange and Green which requires **Consent to Establish (CTE) and Consent to Operate (CTO)** to operate the units from DPCC. The entire basis of the FIR is that A-1 in conspiracy with others was operating the well oiled racket of extorting money from the firms, which required the said permissions from DPCC.

The conversation on the said aspects also forms part of recorded files wherein during conversation between Mohd Arif (A1) and Bhagwat Sharan Singh (A2), they talked about putting pressure upon the concerned firms by sending the teams from the DPCC for inspection. The said pressure was to be put pressure

upon them and then to extort money from the firms. The clarification is sought from the CBI with respect to the procedure followed in DPCC qua physical inspections conducted on behalf of DPCC. The reliance is placed by CBI upon the statement of PW8 Siddharath Upadhyay, Junior Environmental Engineer, DPCC .

LW8 categorically stated that the firms falling in the category of Orange and Red can be physically inspected any time after grant of CTO on the orders of Competent Authority. He further elaborated that the said inspections are conducted by J.Es, A.Es and E.Es and the reports are uploaded on E-Office of DPCC.

8. The query has been put to the CBI as to whether any witness was examined from DPCC qua the detailed procedure in this regard and **how Mohd Arif (A1) was claiming he will send the DPCC team for physical inspections when he had no role in this regard.** It is again admitted that no witness in this regard has been examined .Thus again it has to be observed that no concrete investigation has been conducted in respect to the said claim of A1 in conversation vis-a-vis the role of other authorities of DPCC. **It cannot presumed that such a well oiled extortion racket was being run single handedly by A1 without any connivance of other officials who too had an important role concerning physical inspection which was the mode employed to extort money.**

9. Now coming to the role of three firms namely M/s Super Wash, A-21, Phase II, Badli Industrial Area, M/s S.S Plastic Industries & J.K. Plastic Industries, both situated at Narela Industrial Area, Delhi. These three firms were named in the slip

seized from the custody of A1 alongwith bribe amount of Rs.95,500/-. **Even the flower diary seized during the house search of Bhagwat Sharan Singh (A2) also carried the written details of the transaction concerning the said three firms. However, despite the availability of said incriminating material, no an *iota* of word is written qua their role in the entire chargesheet.**

Therefore, the clarification has been sought from CBI and Ld. Sr. P. P assisted by the I.O placed reliance upon statement of Sh. Prem Lal of M/s Super Wash (Part of case diary) wherein it has been recorded that he paid Rs.75,000/- to Bhagwat Sharan Singh (A2) with respect to his application of renewal of DPCC permission and the said amount was not towards payment of any bribe. It is thus apparent that the said statement of Prem Lal was taken as a gospel truth without verifying the truthfulness of his version. **The incriminating evidence of availability of name of the firm in the list seized alongwith the bribe amount coupled with the details of transactions mentioned in flower diary of A2 has been completely ignored by the CBI and the reasons for the same appear to be to screen the offenders.**

10. Now, coming to the other two firms named in the slip seized alongwith the bribe amount i.e M/s S.S Plastic Industries and M/s Z.K. Plastic Industries, it is submitted by Ld. Sr. PP assisted by the I.O that they belong to brothers namely Abid Khan and Zahir Khan respectively. It is further informed that statement of their brother Shazid Khan has been recorded. Again, the said Shazid Khan claimed that the said amount was given towards consultancy charges to A2. **The above-noted owners were not even examined on the said aspect and they have**

been exonerated by CBI by simply relying upon the uncorroborated version of the brother of owners namely Shazid Khan. It is also apparent that no attempt was made to corroborate his version by finding out as to whether such a huge amount is indeed charged by the Consultants for the work pertaining to the work of DPCC.

11. Now, coming to the recorded conversation involving A1, A2 and A3 and some unknown persons placed on record vide D21 and D22. The reference is there with respect to some firms M/s Arun, Tiwari Hosiery etc in the recorded conversation (**Vide File No. 13-226767-0-08-20240818-112314**) and they too having been forced to pay the bribe amount for DPCC. There is also reference of one Panna Char in recorded conversation (**Vide File No. 21-214083-0-15-20240826-131639**) who too was being extorted in making payment of bribe amount for the DPCC permissions. **Despite the availability of said incriminating material, none of the said firms were even called during investigation, nor they were confronted with the context of the conversation. They were also not confronted with A1 and A2.**

12. In the conversation, there is repeated talk between Mohd. Arif (A1) and Bhagwat Sharan Singh (A2) regarding exchange of WhatsApp messages concerning the firms involved seeking CTO and CTE pending with A1. **Even the lists were exchanged qua the allegations in hand on WhatsApp. But no such data seems to have been retrieved through FSL from mobile phones of A1 and A2 despite it being a crucial and material piece of evidence which could have guided the Investigating Authority as to the scope of illicit racket in DPPC.**

**13. The CDRs of the above-referred suspects belonging to the firms named in D19 and D20 or recorded conversation have also not been collected and examined.**

Therefore, it has to be concluded at this stage that the investigation conducted by CBI is incomplete and rather an attempt has been made to shield the other offenders involved in such a serious racket of obtaining pollution permission by paying bribe. CBI seems to have also ignored the repercussions of said racket as the permissions to be accorded by Delhi Pollution Control Committee has the object of protecting the Right to Life of a common citizen as pollution free environment is one of the facet of the same. Despite the availability of recorded conversation which reflected a well oiled machinery of corruption, the same was never investigated and taken to logical conclusion. The monitoring and supervision of the higher officials also seems to be lacking herein.

**14. In these circumstances, the matter is, accordingly, referred for further investigation by the CBI on the above-mentioned (enumerated in Para-6 to 13 of the Order) aspects. The S.P/HOB concerned to ensure the supervision and monitoring of the further investigation on the issues as discussed above.**

Be listed for filing status report on **16<sup>th</sup> July 2025**.

A copy of the order be given Dasti to the CBI.

(GAGANDEEP SINGH)  
Special Judge, PC Act, CBI-04  
Rouse Avenue Courts, New Delhi  
21.05.2025