

06.12.2025

ORDER ON CLOSURE REPORT

1. Matter is listed today for order on the instant final report (closure report) filed by CBI on 16.04.2025.
2. Brief facts leading to the present matter are that the instant case RC was registered on 02.04.2019 on the basis of written complaint received from T. Kalaivanan, Scientist G & DDG (Labs & Hallmarking), Bureau of Indian Standards (in short BIS) Manak Bhawan, New Delhi-110002.
3. The brief facts of the RC is that an email dated 04.01.2016 was received by BIS stating that BIS recognized lab M/s Hi Physix Laboratory India Private Limited, Pune has signed an agreement on 21.01.2015 with M/s Guangzhou MCM Certification & Testing Co. Ltd. China, which is a clear case of Conflict of Interest and violation of Laboratory Recognition Scheme of BIS. Upon this, BIS deferred the license renewal of the lab M/s Hi Physix Laboratory Private Limited, Pune, which caused major financial loss and harm to the reputation of the aforesaid lab.

4. The background of registration of the present RC is that Sh. Pankaj Rai, Director of M/s Hi-Physix Laboratory Private Limited had filed a complaint on 16.08.2016 to the office of Hon'ble Prime Minister alleging irregularities in the suspension of his laboratory. The complaint was also forwarded by Sh. Udit Raj, MP, Lok Sabha to the CVC on 12.09.2016 directing the Chief Vigilance Officer (CVO) of the Ministry of Corporate Affairs (MCA) to conduct a detailed investigation. By November 2017, the inquiry report was forwarded to Director General of BIS. Further, the CVO BIS notified the DDG of the CVC directive to report the case involving the email's originator and the forged agreement included in the complaint against M/s Hi-Physix Laboratory Private Limited. Consequently, the matter was referred to the CBI by BIS in a letter dated 14.06.2018. A complaint was filed by Sh. T.Kalaivanan, Scientist, DDG dated 14.06.2018 included the email dated 04.01.2016 sent by the accused.

5. During the investigation by the first IO, it was revealed that the accused Dinesh Goel had sent the aforesaid email from email ID vijaykumar1962y@gmail.com which was created by the accused on 04.08.2015. It was also revealed that accused sent the aforesaid email to dg@bis.org.in, secretary-ca@nic.in and minister.ca@nic.in. Searches were conducted at the residence of the accused i.e. 51A, Banarsi Das Estate, Timarpur, Delhi and soft copy of original message dated 04.01.2016 alongwith the

attached fake agreement executed between M/s Hi-Physix Laboratory India Private Limited and M/s Guangzhou MCM Certification & Testing Co. Ltd, China, which was sent by accused to BIS was recovered from the email ID vijaykumar1962y@gmail.com. Further, the agreement attached with email dated 04.01.2016 that was received by BIS, New Delhi was found to be a fake agreement.

6. During investigation by the first IO, it was further revealed that the agreement dated 21.01.2015 entered into by M/s Hi-Physix Laboratory India Private Limited with M/s Guangzhou MCM Certification & Testing Co. Ltd China was terminated by M/s Hi-Physix Laboratory India Private Limited on 17.07.2015. Moreover, contents of the attached agreement (running into one page) sent by accused are different from the original agreement (running into four pages).

7. During investigation, it was revealed that while sending the aforesaid email dated 04.01.2016, the accused/sender complained to the BIS that M/s Hi-Physix Laboratory Private Limited had violated the BIS guidelines and that it is a clear case of conflict of interest and violation of Laboratory Recognition Scheme of BIS. Upon this, BIS had deferred the license renewal of M/s Hi-Physix Laboratory Private Limited. Sh. Sanjay Vij and Sh. C.M. Singe carried out the audit on 13.05.2016 and 14.05.2016 of M/s Hi-Physix Laboratory Private Limited and

submitted its report dated 14.05.2016. A personal hearing was also conducted on 04.08.2016 led by Sh. Sanjay Gupta head WROL, where Hi-Physix representatives, including Sh. Pankaj Rai presented the original agreement dated 21.01.2015. It is mentioned in the report that based on the findings, Sh. Megh Raj, Head WROL, revoked the suspension and restored M/s Hi-Physix Laboratory Private Limited's recognition from 21.06.2016 with formal notification on 27.09.2016 extending their recognition until 20.06.2019.

8. During investigation by the first IO, it was also revealed that on 30.09.2015, BIS had asked all labs who are affiliated with it to submit an undertaking that the lab shall not have any linkages to any organization or its subsidiary which is a licensee under BIS Product certification scheme and if there is any perceived conflict of interest due to any reasons, the recognition shall not be granted. M/s Hi-Physix Laboratory Private Limited had given such an undertaking to BIS on 05.10.2015.

9. During investigation by the first IO, it was revealed that the complaint against M/s Hi-Physix Laboratory India Private Limited was false and the agreement attached to the email sent by the accused was a fake document. Further, the Audit Team of BIS stated that no provision in BIS LRS 2013 could be found by virtue of which it is compulsory for BIS recognized laboratories to inform BIS about execution of their normal commercial

agreements. The suspension of recognition of laboratory was revoked with immediate effect and renewal of recognition of laboratory was done with effect from 21.06.2016.

10. The first IO Rajendra Singh Kashla filed a chargesheet on 01.11.2019 under Sections 465/469/471 IPC and Section 66-C Information Technology Act 2000 against the accused Dinesh Goel. In the chargesheet, it was averred that accused is habitual in making false complaints to BIS and it was concluded that the complaint made against M/s Hi-Physix Laboratory India Private Limited was false. The claim with respect to existence of agreement between the M/s Hi-Physix Laboratory India Private Limited and M/s Guangzhou MCM Certification & Testing Co. Ltd China was also stated to be false. The said agreement was found to have terminated on 17.07.2015 i.e. much before the date of submissions of undertaking i.e. 05.10.2015 to BIS regarding conflict of interest. It was also mentioned in the chargesheet that certain aspects such as dispatch of Letter Rogatory to Chinese Authorities for getting the deposition of M/s Guangzhou MCM Certification & Testing Co. Ltd China regarding the forged agreement dated 21.01.2015 was pending. It was also mentioned that certificate under Section 65-B of the Indian Evidence Act 1872 was to be obtained from Google Inc. It was submitted that investigation on aforesaid points was continuing under Section 173(8) of Code of Criminal Procedure 1973 and a report will be filed in due course.

11. The Ld. Predecessor Judge vide order dated 13.11.2019 observed that the chargesheet has been filed in a hasty manner without completion of investigation. It was observed that Section 173(1) of Cr.P.C does not contemplate piecemeal filing of chargesheet and as the limitation under Section 167(2) of Cr.P.C was not in picture, the investigation ought to have been completed against the accused. Therefore, the chargesheet was returned to CBI for completion of investigation.

12. Consequent to the orders of the Ld. Predecessor Judge, investigation was undertaken by IO/DSP Pawan Kumar Kaushik and he has filed the present closure report. The closure report has been filed basis the following findings:

(a) As per BIS policy, no business of any suspended lab could be assigned to any other lab. The BIS did recognition to eligible laboratories and said laboratories get business directly from the manufacturers and therefore, BIS cannot assign any business to any lab and consequently, no gains were made by the proposed accused.

(b) On the website of M/s Guangzhou MCM Certification & Testing Co. Ltd China, there was a copy of agreement dated 21.01.2015 executed with M/s Hi-Physix Laboratory Private Limited.

(c) During investigation, accused Dinesh Goel stated that the one page agreement entered into M/s Guangzhou MCM Certification & Testing Co. Ltd China and M/s Hi-Physix Laboratory Private Limited was received vide email by his cousin Mr. Ashish Goel from email Id of one Ms. Anne i.e. Yangliu@ccjctek.com. It was revealed that Mr. Ashish Goel was in contact with said Ms. Anne who forwarded the agreement to him. The accused Dinesh Goel stated that he reported the matter to BIS anonymously in the name of one Vijay Kumar as he wanted to avoid enmity with M/s Hi-Physix Laboratory Private Limited.

(d) Further investigation also revealed that one page agreement was also available in the website of M/s Guangzhou MCM Certification & Testing Co. Ltd China and the said agreement was signed by Mr. Pankaj Rai.

(e) A proceeding memo dated 25.03.2022 was prepared wherein the said agreement was downloaded from the website of M/s Guangzhou MCM Certification & Testing Co. Ltd, China.

(f) During investigation, Mr. Pankaj Rai was confronted with the one page agreement downloaded from the website of M/s Guangzhou MCM Certification & Testing Co. Ltd China on 14.11.2022 and he admitted that he signed the said one page agreement lying on the website. It was revealed that the statement made by Mr. Pankaj Rai during the earlier investigation was incomplete.

(g) Further investigation revealed that it was concluded by BIS that there was no conflict of interest as per clause 1.5.1.2(f) of LRS 2013 since the said agreement was terminated on 31.10.2015.

(h) It was concluded from the further investigation that the documents attached with email dated 04.01.2016 was not forged by accused Dinesh Goel.

(i) Digital articles seized from Dinesh Goel were sent to CDAC and whilst the report is pending, it is pointless to wait for the findings as the agreement has been proven to be genuine.

FINDINGS

13. Section 169 of the Code provides that the police can submit a closure report if no sufficient evidence is found to proceed against the accused. The investigating agency can file a closure report where, according to the investigating agency, no offence is made out. The said report is subject to acceptance by the Magistrate who, in his / her wisdom, may or may not accept such a report. For valid reasons, the court may, by declining to accept such a report, direct “further investigation” or even on the basis of the record of the case and the documents annexed thereto, summon the accused. [**Re: Vinay Tyagi vs. Irshad Ali @ Deepak and others** (Arising out of SLP (Crl.) Nos. 9185-9186 of 2009). It was observed by the Hon’ble Apex Court that:

“In other words, it is the judicial conscience of the Magistrate which has to be satisfied with reference to the record and the documents placed before him by the investigating agency, in coming to the appropriate conclusion in consonance with the principles of law. It will be a travesty of justice, if the court cannot be permitted to direct “further investigation” to clear doubt and to order the investigating agency to further substantiate its charge-sheet. The satisfaction of the learned Magistrate is a condition precedent to commencement of further proceedings before the court of competent jurisdiction. Whether the Magistrate should direct “further investigation” or not is again a matter which will depend upon the facts of a given case.”

14. The RC has been registered under Section 465/469/471 IPC and Section 66-C Information Technology Act 2000. The primary allegation was with respect to forgery of one page agreement purportedly executed between M/s Guangzhou MCM Certification & Testing Co. Ltd China and M/s Hi-Physix Laboratory Private Limited as attached in the emails sent to BIS by accused Dinesh Goel. During investigation, it has come to light that the said agreement is not a forged agreement. Statement of Mr. Ashish Goel has been recorded under Section 161 of Cr.P.C wherein he has stated that he received the one page agreement from one Anne in China. Copy of the email received

from Anne alongwith certificate under Section 65-B of Indian Evidence Act 1872 is on record. Statement of Mr. Pankaj Rai, Director of M/s Hi-Physix Laboratory Private Limited has been recorded under Section 161 of Cr.P.C wherein on being shown the one page agreement which was attached in the email dated 04.01.2016, Mr Pankaj Rai has admitted that he has signed that agreement and he has identified his signature on the said agreement. It has been stated that the said one page agreement was signed after the signing the four page agreement.

15. From perusal of the closure report as well as the documents filed alongwith the said report, it appears that the one page agreement was a short form agreement announcing /declaring that a detailed agreement has been signed between M/s Hi-Physix Laboratory Private Limited and M/s Guangzhou MCM Certification & Testing Co. Ltd China. No material has been collected during investigation indicating that the said document is forged. In fact, the signatory to the document Mr. Pankaj Rai has admitted his signature on the document and execution of the said document. Further, no material has been found with respect to commission of damage to any computer or computer system by accused Dinesh Goel, which is punishable under Section 66 R/w Section 43 of the Information Technology Act 2000. It is the opinion of this court that sending an email from anonymous/created email ID does not indicate any dishonest intention especially in light of the fact that BIS Authorities have

stated that business of M/s Hi-Physix Laboratory Private Limited could assign to any other business on suspension or termination of license. Criminal culpability of accused cannot be found on the basis of the investigation. The conclusion arrived at by the IO in the present closure report appears to be correct. Further, the complainant Mr. T. Kalaivanan (on behalf of BIS) and the victim Sh. Pankaj Rai have accepted the closure report.

16. In view of the contents of the final report (closure report), submissions made by Ld. PP for the CBI and statements of witnesses, I find no infirmity in the investigation conducted by the CBI as the investigating officer has covered all the plausible/ logical points. **Consequently, the instant closure report is accepted.**

17. **File be consigned to record room after due compliance.**

**Announced in open Court
on 6th day of December, 2025**

**(T.Priyadarshini)
CJM/RADC/New Delhi
06.12.2025**