

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 1737 of 2022

Navneet Sagar Mittal @ N.S. Mittal, aged about 45
years, son of Vidya Sagar Mittal, Resident of New
904 Delhi House, Barakhamba Road, P.O. and P.S.-
New Delhi, District New Delhi.

..... ... Petitioner
Versus
Union of India through CBI
..... ... Opposite Party

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. R.S. Mazumdar, Sr. Advocate.
: Mr. Nishant Roy, Advocate.
For the CBI : Mr. Prashant Pallav, DSGI
: Ms. Shreya Shukla, A.C. to DSGI

06/ 18.09.2025 Heard learned senior counsel for the petitioner and
learned DSGI for the CBI.

2. This petition has been filed under Section 482 of the
Cr.P.C. for quashing of the entire criminal proceedings including the
order taking cognizance dated 12.10.2020, passed in connection
with R.C. Case No. 07(A)/2016-R, pending in the court of learned
Additional Judicial Commissioner-XVI-cum-Special Judge, CBI,
Ranchi.

3. Learned senior counsel appearing for the petitioner
submits that during the pendency of this petition, the learned court
has been pleased to frame the charge against the petitioner and the
same was challenged by way of filing I.A. No. 4659 of 2023, which
has been allowed by the co-ordinate bench by order dated
07.07.2023.

4. In view of the above, the order framing charge dated
16.01.2023 is also under challenge.

5. Learned counsel appearing for the petitioner submits that the learned Additional Judicial Commissioner-XVI-cum-Special Judge, CBI, Ranchi has been pleased to take cognizance against the petitioner under Sections 120-B read with Sections 420, 468 and 471 of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of Prevention of Corruption Act.

6. The FIR has been lodged by the informant alleging therein that the petitioner was Executive Director of M/s NPEL during the period 2011-12 and was looking after all works of the said company. It is alleged that he is nephew of Shri Ashutosh Mittal Prop. of M/s Fibretech. It is further alleged that on 20.1.2012 and 21.01.2012 prior to floating of NIT by BHEL, Bhopal Shri N.S. Mittal is connivance with officer of BHEL Bhopal accompanied Shri R.K. Arya the then AGM/HOD, PFX, Bhel, Bhopal Shri G.S. Sachdeva, the then Manager, PDX, BHEL, Bhopal and other officers of BHEL in their official tour to Ranchi for inspecting the power plants/units of Subernrekha Hydrel Power Project Sikhidri. It is also alleged that the petitioner also accompanied Shri R.K. Arya for the meeting/discussion held with Shri S.N. Verma, Chairman even though he had no business to accompany them in their official tour. In fact he and Shri R.K. Arya and Shri G.S. Sachdeva stayed in the same hotel i.e. Hotel Capital Hill, Ranchi during the said period. It is further alleged that prior to floating of NIT by BHEL the petitioner in connivance with Shri R.K. Arya dishonestly and on fraudulently submitted scope of work 23.01.12 containing 35 Nos. of items/work and suggested prequalification condition for the

alleged work of renovation of Subermrekha Hydel Power Project Sikhidri, Ranchi. It is further alleged that there was spitting of similar type of work in the scope of work. It is further alleged that the petitioner suggested that the bidder must have in house machining facilities including of Lathe Machine, Drilling Machine, Vertical Boring Machine capable to set up small workshop at site to undertake repair and must be machining of some underwater components at site. It is further alleged that the petitioner also suggested that the bidder must have experience of successful execution of Hydro Turbine of at least 02 Turbine. It is further alleged that the suggestion made by the petitioner was incorporated in NIT floated by BHEL. It is further alleged that the suggestion made by the petitioner was incorporated in the NIT floated by BHEL. It is further alleged that on 09.02.2012, the petitioner in connivance with Sh. Gurkirat Singh Sachdeva and in response to his mail dated 06.02.2012 dishonestly and fraudulently submitted budgetary offer of Rs. 15.80 crores of renovation of 2 X 65 MW Subernrekha HPE, Sikdri, Ranchi, along with other terms and conditions and payment terms and requesting therein that the payment of 20% as advance, 10% advance on mobilization, 20% on completion of dismantling activating etc. be considered while considering their offer. It is further alleged that no item wise price breakup was given. It is further alleged that the suggestion made by the petitioner was incorporated in the budgetary offer of BHEL as submitted to JSEB. It is further alleged that as per tender documents submitted by the petitioner regarding his experience. It

is further alleged that it is clear that NPEL had not executed any renovation and modernization work nor was awarded any work worth more crores during 2007-2012. It is further alleged that as per MOU dated 16.3.12 signed between the petitioner and BHEL Bhopal it is mentioned NPEL ample was having experience in the field of renovation and modernization of Hydro power plants, manufacturing of various turbine components etc.

It is alleged that though the petitioner charged rate for Renovation of SRHP, but the work done by him was Repair and Maintenance. It is further alleged that he used unskilled and inefficient labourers for the work, which lead to defects and delay in completion of work. It is further alleged that the progress of the work was slow, there was mishandling of machine by non-experience persons, spares like bushes of guide vane, clamps for MIV, rubber seal for arresting water leakage etc. were not available at site, no crane operators were arranged by contractor, unskilled technicians etc. were used for the work. It further alleged that in this regard several letters were written by project Office, SRHP, Sikidri to BHEL between April 2012 till completion of work i.e., August 2012. It is further alleged that as per Letter of Intent dated 21.03.2012 and Work Order did 25.04.2012 issued by JSEB to BHEL, the work was to be completed by 30.06.2012, handed over however, the machine to JSEB by BHEL/NPEL was on 18.08.2012, after delay of 47 days that too without completing the work. It is further alleged that M/s NPEL had left project without completing the work of Centralized Grease Lubrication System which was

essential to stop water leakage through guidewane and lubrication leakage and without rectifying this vital defect, both power houses were put on load on 18.08.2012. It is further alleged that in this regard vide letter dated 17.08.2012 the then Project Manager, Sikidri informed Site Incharge for BHEL at SRHP, Sikidri that the team of BHEL/NPEL left SRHP Sikiri without completing the work. It is further alleged that further, on 23.08.12 site in-charge for BHEL at SRHP, Sikidri made an observation that the work carried out at SRHP was not Renovation and Modernization and even after completion of work, defects such as Oil leakage from MIV Servomotor in Unit-1 etc. was persisting in both Power House. Hence, the present case has been registered.

7. Learned senior counsel appearing for the petitioner submits that the petitioner has been falsely implicated in this case. He submits that the petitioner has been made accused only due to the fact that the petitioner was the Executive Director of M/s NPEL during the period 2011-12. He further submits that the chargesheet has been submitted against nine accused persons including this petitioner. He then submits that false allegations are made of visiting of the petitioner on 20.01.2012 and 21.01.2012 along with one R.K. Arya and G.S. Sachdeva and other officials of BHEL in their official tour to Ranchi for inspecting the power plants/units of Subernrekha Hydel Power Project, Sikhidri. He submits that the petitioner has come to Ranchi for his independent business and he has not accompanied them. He further submits that false allegations are made of syphoning of the money to the tune of Rs.

20 crores and odd. He then submits that for the tender in question, the BHEL has not been paid money by the Jharkhand State Electricity Board and for that the BHEL has also filed the commercial suit, which has been allowed in favour of the BHEL and the said order was challenged before the Hon'ble Supreme Court, wherein the Hon'ble Supreme Court has been pleased to affirm the said order. He then submits that in view of the fact that the BHEL has received the amount from the Jharkhand State Electricity Board and no case is made out against the petitioner, as the petitioner happened to be the sub-contractor of BHEL. On these grounds, he submits that entire criminal proceedings may kindly be quashed.

8. Learned DSGI appearing for the CBI has opposed the prayer and submits that the allegations are there against the petitioner. He submits that prior to flouting of the NIT, this petitioner in connivance with Shri R K Arya dishonestly and fraudulently submitted scope of work on 23.01.2012 containing 35 numbers of items/work and also suggested pre-qualification condition for the alleged work of Renovation of Subernrekha Power Station, Sikidiri, Ranchi. There was splitting of similar type of work in the scope of work. He further submits that the charge for renovation of SRHP, but the work done by the petitioner was for repair and maintenance. He used to unskilled and inefficient labourers for the work, which lead to defects and delay in completion of work. The progress of the work was slow, there was mishandling of machine by non-experience persons, spares like bushes of guide vane, clamps for MIV, rubber seal for arresting

water leakage etc. were not available at site, no crane operators were arranged by contractor, unskilled technicians etc. were used for the work. In this regard several letters were written by Project Office, SRHP, Sikidri to BHEL between April 2012 till completion of work i.e. in August, 2012.

9. By way of referring the chargesheet, learned counsel appearing for the CBI further submits that this petitioner has submitted dishonestly and fraudulently budgetary offer of Rs. 15.80 crores for Renovation of 2x65 MW Subernrekha HPE Sikidri, Ranchi along with other terms and condition and payment terms and requesting therein that payment of 20% as advance, 10% advance on mobilization, 20% on completion of dismantling activities etc. be considered while considering their offer. No item wise price breakup was given. The suggestions made by this petitioner was incorporated in the budgetary offer of BHEL as submitted to JSEB. He submits that for a project of 2.87 crores, it was taken up to Rs. 20 crores and odd and the involvement of this petitioner is there. On these grounds, he submits that the learned court has rightly taken the cognizance and further framed the charge against the petitioner and there is no illegality.

10. In view of the above submissions of learned counsel appearing for the parties, it is an admitted position that it has come in the investigation that the petitioner has submitted the budgetary offer of Rs. 15.80 crores for Renovation of 2x65 MW Subernrekha HPE Sikidri Ranchi along with other terms and condition and payment terms and requesting therein that payment of 20% as

advance, 10% advance on mobilization, 20% on completion of dismantling activities etc. be considered while considering their offer. No item wise price breakup was given. The suggestions made by this petitioner was incorporated in the budgetary offer of BHEL as submitted to JSEB. It has come in the investigation that for a project of 2.87 crores, it was taken up to Rs. 20 crores.

11. There are guidelines of exercising the power under Section 482 of the Cr.P.C. corresponding to Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 and the power is required to be exercised sparingly and on a cogent reason and if the case is not made out, then only that power can be exercised. If the allegations are there and there are handling of finance allegation and when there is manipulation and cleverly conceived contrivance to avail such kinds of benefits, it cannot be regarded as a case having overwhelmingly and predominatingly civil character. Reference may be made to the case of State of ***Tamil Nadu, represented by Inspector of Police, Central Crime Branch Versus R. Vasanthi Stanley & Anr.***, reported in **(2016) 1 SCC 376**, wherein the Hon'ble Supreme Court in para-12, the law point has been answered. Paras-12 and 13 are quoted hereinbelow:-

"12. Recently, in CBI v. Maninder Singh [(2016) 1 SCC 389] , the allegation against the accused was that bill of lading presented by the proprietors of the accused firms were found forged and cases were registered under Section 120-B IPC read with Section 420 IPC and Section 5(2) read

with Section 5(1)(d) of the Prevention of Corruption Act, 1947 and further substantive offences under Sections 420, 467, 468 and 471 IPC. The accused person arrived at a settlement with the Bank and thereafter moved the High Court under Section 482 CrPC for quashing of the FIR. The High Court placed [Maninder Singh v. CBI, 2009 SCC OnLine Del 4246] reliance on the decision in Nikhil Merchant [(2008) 9 SCC 677 : (2008) 3 SCC (Cri) 858] and allowed the petition and directed for quashing of the criminal proceedings. This Court placed reliance on Vikram Anantrao Doshi [(2014) 15 SCC 29 : (2014) 10 Scale 690] and came to hold as follows : (Maninder Singh case [(2016) 1 SCC 389] , SCC p. 394, paras 16-17)

“16. The allegation against the respondent is ‘forgery’ for the purpose of cheating and use of forged documents as genuine in order to embezzle the public money. After facing such serious charges of forgery, the respondent wants the proceedings to be quashed on account of settlement with the bank. The development in means of communication, science and technology, etc. has led to an enormous increase in economic crimes viz. phishing, ATM frauds, etc. which are being committed by intelligent but devious individuals involving huge sums of public or government money. These are actually public wrongs or crimes committed against society and the gravity and magnitude

attached to these offences is concentrated at the public at large.

17. The inherent power of the High Court under Section 482 of the Code of Criminal Procedure should be sparingly used. Only when the Court comes to the conclusion that there would be manifest injustice or there would be abuse of the process of the Court if such power is not exercised, Court would quash the proceedings. In economic offences the Court must not only keep in view that money has been paid to the bank which has been defrauded but also the society at large. It is not a case of simple assault or a theft of a trivial amount; but the offence with which we are concerned was well planned and was committed with a deliberate design with an eye on personal profit regardless of consequence to the society at large. To quash the proceeding merely on the ground that the accused has settled the amount with the bank would be a misplaced sympathy."

*13. Testing the present controversy on the anvil of the aforesaid principles, we are disposed to think that the High Court has been erroneously guided by the ambit and sweep of power under Section 482 CrPC for quashing the proceedings. It has absolutely fallaciously opined that the continuance of the proceeding will be abuse of the process of the court. It has been categorically held in *Janata Dal v. H.S. Chowdhary* [(1992) 4 SCC 305 : 1993 SCC (Cri) 36], that the inherent power under Section 482 CrPC*

though unrestricted and undefined should not be capriciously or arbitrarily exercised, but should be exercised in appropriate cases, ex debito justitiae to do real and substantial justice for the administration of which alone the courts exist. In Inder Mohan Goswami [(2007) 12 SCC 1 : (2008) 1 SCC (Cri) 259] , it has been emphasised that inherent powers have to be exercised sparingly, carefully and with great caution.”

12. Interference can be made only on the ground if it is absurd and discloses no offence. In the case when the materials are there by way of making a roving inquiry, entire criminal proceedings cannot be quashed. There are allegations against the petitioner of manipulating the things by way of submitting the budgetary offer to the tune of Rs. 20 crores and odd for a project of Rs. 2.87 cores.

13. The inherent power should not be exercised to stifle the legitimate prosecution, but at the same time, no person be compelled to face criminal prosecution if basic ingredients of the alleged offence against him are altogether absent. While exercising jurisdiction under Section 482 Cr.P.C. corresponding to Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, it is not permissible for the court to act as if it was a trial court. Even when the charge is framed at that stage, the court has only to be *prima facie* satisfy existence of sufficient ground for proceeding against the accused. For that limited purpose, the court can evaluate materials and documents on record, but it cannot appreciate the evidence to

conclude, whether the materials produced are sufficient or not for convicting the accused.

14. The fact discussed hereinabove, clearly suggests the *prima facie* materials against the petitioner.

15. In view of the above discussions and in view of the well settled principles of law, no case of quashing is made out. The court finds that the charge has been rightly framed by the learned court. As such, this petition is dismissed.

16. However, it is made clear that this petition has been decided on the basis of the parameters of Section 482 of the Cr.P.C. corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and the learned trial court will proceed in accordance with law without being prejudiced by this order.

(Sanjay Kumar Dwivedi, J.)

Dated:-18.09.2025

Amitesh/- [A.F.R.]