

ITEM NO.44

COURT NO.6

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).
11462-11463/2013

(Arising out of impugned final judgment and order dated 09/08/2011 in CWP No. 6454/2010,05/09/2012 in CMP No. 8422/2012,05/09/2012 in CWP No. 6454/2010 passed by the High Court Of Himachal Pradesh At Shimla)

REGIONAL DIRECTOR,C.B.I.

Petitioner(s)

VERSUS

V.P.AHLUWALIA & ORS.

Respondent(s)

(with appln. (s) for exemption from filing c/c of the impugned judgment and interim relief and office report)

Date : 20/04/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR

HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s) Ms. Vibha Datta Makhija, Sr. Adv.
Mr. Rajiv Nanda, Adv.
Mr. Rana Mukherjee, Adv.
Mr. B. V. Balaram Das,Adv.

For Respondent(s) Mr. Suryanarayana Singh, AAG
Ms. Pragati Neekhra, Adv.

Mr. Ashwani Kumar Dubey,Adv.

Mr. D.B. Goburdhan,Adv.

Mr. Prabal Bagchi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

In a public interest litigation, the High Court of Himachal Pradesh in CWP No. 6454 of 2010 and CMP NO. 8422 of 2012 in CWP NO. 6454 of 2010 and issued directions from time to time. In obedience to one of the orders dated

5.9.2012, the CBI had registered two preliminary inquiries and the State Vigilance & Anti-Corruption Bureau registered FIR No. 11 dated 18.7.2011 in connection with the allegation of certain forged certificates allegedly issued by some of the educational institutions in the State of Himachal Pradesh.

The CBI concluded the 1st preliminary inquiry and submitted a report to the High Court upon which the High Court by order dated 3.5.2012 directed that the investigation of the crime registered by the FIR No. 11 referred to earlier be transferred to the CBI for investigation.

In the second preliminary inquiry, it was ascertained from different documents collected from different regulatory authorities, namely, AICTE, New Delhi, NCTE(NRC), Jaipur, NCVI, New Delhi that a total of 274 private Technical/Educational and other institutions were granted recognition/approval by different regulatory authorities, after obtaining no objection certificate granted by the Directorate of Technical Education, Government of Himachal Pradesh, had granted affiliation to the aforesaid category of institutions.

Therefore, by an order dated 9.8.2011, the High Court directed as follows:-

"The S.P C.B.I. who is present before us has brought to the notice of this Court, that in some cases where NOC's have been obtained from the N.C.T.E., they do not have buildings much less proper buildings. According to his information, there are several such institutions. There will be a direction to the

S.P. C.B.I. to inquire into all those cases where the no objection/clearance has been obtained from the NCTE, NRC, NCVT, AICTE and other such agencies on the basis of false representations. After conducting such inquiry into the matter of all such private institutions, a report in a sealed cover be submitted before this Court in three months. We make it clear that it will be open for the C.B.I. also to take appropriate action under law on the basis of the investigation and it is not required that they should wait for orders from this Court for any direction/permission in that regard to take action in accordance with law."

Hence the special leave petition.

When the matter was taken up on an earlier occasion, Mr. P.S. Patwalia, learend ASG appearing for the CBI stated that the CBI is not challenging the High Court's order but only expressing its inability to undertake such a huge investigation, having regard to the limited manufacture available to it. CBI, therefore, came up with the suggestion that the investigation be referred to a Committee constituted under orders of this Court. CBI also suggested names of four retired Police Officers of whom, three worked with the CBI earlier, the names are as follows:-

S.No.	Name of Officers/S/Shri	Batch	Cadre	Remarks
1.	A.C. Verma, IPS	1979	Bihar	Retired in the year 2014
2.	A.K. Malhotra, Ex. CBI	-	CBI	Retired in the year 2008 as DIG, EOW, CBI, New Delhi
3.	P.C. Sharma, Ex. CBI	-	CBI	Retired in the year 2011 as SSP, CBI, SU,

				New Delhi
4.	Vijay Kumar, Ex. CBI	-	CBI	Retired in the year 2012 as Sr. SP, CBI, AC-II, New Delhi.
	Academicians			
5.	Ajay Kumar Mehra	-	-	Associate Professor in Political Science, Shaheed Bhagat Singh College(Evening), University of Delhi
6.	Dr. Parminderjit Singh	-	-	Asst. Prof.(Mechanical), Dean Students Affairs, Punjab Engineering College, Chandigarh.

In the circumstances, we deem it appropriate to appoint a team consisting of the above-mentioned four Police Officers. In the above mentioned four officers, we are informed by Ms. Vibha Datta Makhija appearing for the CBI that Mr. A.C. Verma retired in the rank of Director General of Police. The team will be headed obviously by Mr. Verma.

For the purpose of investigation of this case, the above-mentioned Committee is entrusted with all the powers of the superior officers contemplated under Section 36 of the Criminal Procedure Code.

The Committee will also be associated by Mr. Ajay Kumar Mishra, Associate Professor in Political Science, Shaheed Bhagat Singh College(Evening), University of Delhi and Dr. Parminderjit Singh, Asst. Prof. (Mechanical), Dean Students Affairs, Punjab Engineering College, Chandigarh.

The State of Himachal Pradesh shall provide all necessary infrastructural support, i.e. transportation, accommodation, support staff and logistic support to the Committee members and academicians. The State of Himachal Pradesh is bound to compensate the members of the above-mentioned team for the work done by them. The actual amount payable to each of the members of the

committee and the academicians is to be finalised by the State in consultation with the Director, CBI. The remuneration shall be fixed within a period of eight weeks from today. The expenditure incurred by the State can be recovered by the State from each of the institutions, the affairs of which are under scanner. The Committee shall periodically report the progres of the investigation to the High Court of Himachal Pradesh and seek appropriate guidance in the matter.

A copy of this order shall be sent to the Director CBI and Chief Secretary, State of Himachal Pradesh.

With these directions, the special leave petitions are disposed of accordingly.

(DEEPAK MANSUKHANI)
COURT MASTER

(INDU BALA KAPUR)
COURT MASTER