

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH AT NEW DELHI**

REVIEW APPLICATION NO. 7 OF 2024

(Arising out of order dated 21.10.2022 passed by this Hon'ble Tribunal in
OA No. 748 OF 2022)

ON BEHALF OF:

SUSHANTA KUMAR PATTNAIK

REVIEW APPLICANT

IN THE MATTER OF: In Re: News Item Published In The Newspaper The
Hindu Dated 02.10.2022 titled "Over 6,000 Trees Illegally Cut For Tiger
Safari Project In Corbett Reserve, Says FSI Report

INDEX

SR. NO.	PARTICULARS	PAGE NO.
1.	Additional Affidavit on behalf of the Review Applicant to bring additional documents on record	1-2
2.	<u>ANNEXURE-A1</u> True copy of Order dated 06.09.2023 passed by Hon'ble High Court of Uttarakhand.	3-18
3.	<u>ANNEXURE-A2 (COLLY)</u> Copy of FIR and Letter dated 08.09.2023 by ACB Dehradun to CBI.	19-24
4.	<u>ANNEXURE-A3</u> Copy of Show Cause notice dated 08.03.2024 by the Adjudicating Authority (under PMLA 2002) New Delhi.	25-36

Date: 08.10.2024

Place: New Delhi

Filed By


(MUKESH KUMAR)

Advocate for Review Applicant
70, Sudershan Apartment
I.P. Extension, Patparganj
New Delhi 110092
Mob.: 8800424215;
Email: mkchauhanlawyer@yahoo.com

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH
AT NEW DELHI**

REVIEW APPLICATION NO. 7 OF 2024

(Arising out of order dated 21.10.2022 passed by this Hon'ble Tribunal in OA
No. 748 OF 2022)

ON BEHALF OF:

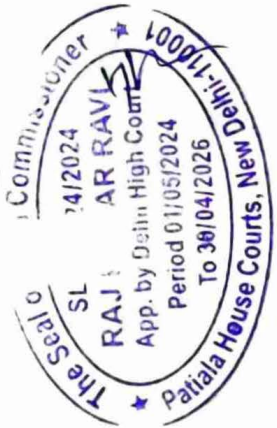
SUSHANTA KUMAR PATTNAIK REVIEW APPLICANT

IN THE MATTER OF: In Re: News Item Published In The Newspaper The Hindu Dated 02.10.2022 titled "Over 6,000 Trees Illegally Cut For Tiger Safari Project In Corbett Reserve, Says FSI Report

ADDITIONAL AFFIDAVIT ON BEHALF OF THE REVIEW APPLICANT TO BRING ADDITIONAL DOCUMENTS ON RECORD.

I Sushant Kumar Pattnaik aged about 51 Years S/o Late Sri Sarat Chandra Pattnaik R/o 211, Mount Crest Housing Society, Canal Road, Near Police Colony, Kishanpur, District- Dehradun, Utrakhand-248001 do hereby state on solemn affirmation as:

1. That the deponent is the sole Review Applicant in the present Review Application and as such, well versed with the facts and circumstances of the present case and hence, competent to swear this affidavit.
2. That deponent could not file some other relevant document at the time of filing Review Application which were necessary to refer for proper adjudication.
3. That during hearing on 21.10.2024, the deponent prayed and sought permission from the Hon'ble Tribunal to place on record some relevant materials showing action taken against the applicant in pursuance to the findings recorded by Joint Committee in its report dated 22.02.2023 which was constituted by order dated 21.10.2022 while disposing of the original application no. 748/2022.



4. The Hon'ble High Court of Uttarakhand at Nainital in Writ Petition No 178 of 2021 (PIL) Suo Moto matter of illegal construction in Corbett Tiger Reserve Vs Union of India & Others with Writ Petition No. 208 of 2021 (PIL) Anu Pant Vs State of Uttarakhand & Others has passed order dated 06.09.2023 directing CBI to conduct investigation into the allegations pertaining to illegal constructions and illegal felling of trees in the Corbett Tiger Reserve. A Copy of the Hon'ble High Court order dated 06.09.2023 is annexed herewith as **ANNEXURE – A1**.

5. The CBI FIR No RC0072023A0008 dated 11.10.2023 has been registered by ACB Dehradun. The Copy of FIR is annexed herewith as **ANNEXURE – A2 (COLLY)**.

6. The Adjudicating Authority (Under PMLA 2002) New Delhi has served a show cause notice dated 08.03.2024 to the Review Applicant under Section 8 of PMLA 2002. A copy of the show cause notice is being annexed herewith as **ANNEXURE – A3**.

Solemnly affirmed on this day of 08.10.2024 at New Delhi.



[Signature]
DEPONENT

[Signature]
I identified the Deponent who has signed in my presence

VERIFICATION:

Verified at New Delhi on 08 NOV 2024 day of October, 2024, that the contents of my above affidavit true and correct to my knowledge and belief, no part thereof is false and nothing material has been concealed therefrom.

DECLARED THAT THE DEPONENT
Shri/Smt./Km..... *[Signature]*
S/o, W/o, D/o, Sh.....
R/o.....
Identified by Shri/Smt. *[Signature]*
has solemnly Attested before me at Delhi
on.....SI. No. *[Signature]*
that the contents of the affidavit which
have been read over & explained to him/her
are true & correct to his/her knowledge.

[Signature]
DEPONENT

08 NOV 2024 Oath Commissioner, Delhi

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SHRI VIPIN SANGHI

AND

HON'BLE JUSTICE SHRI ALOK KUMAR VERMA

WRIT PETITION NO. 178 of 2021 (PIL)

Suo Motu PIL: In the matter of illegal construction
In Corbett Tiger Reserve ...Petitioner

Versus

Union of India and Others ...Respondents

Counsel for the respondent : Mr. V.K. Kaparuwan, Standing
no.1/Union of India Counsel

Counsel for the State : Mr. Atul Sharma, Special
of Uttarakhand Counsel with Mr. Rajeev Singh
Bisht, Additional Chief
Standing Counsel with Mr.
Gajendra Tripathi, Standing
Counsel.

Counsel for the respondent : Mr. Rahul Verma Advocate
No. 13 with Mr. Gaurav Kandpal,
Advocate.

WITH

WRIT PETITION NO.208 of 2021 (PIL)

Anu Pant ...Petitioner

Versus

State of Uttarakhand and Others ...Respondents

Counsel for the petitioner : Mr. Abhijay Negi, Advocate.

Counsel for the State : Mr. Atul Sharma, Special
of Uttarakhand Counsel with Mr. Rajeev Singh
Bisht, Additional Chief
Standing Counsel with Mr.

Gajendra Tripathi, Standing
Counsel.

RESERVED ON :01.09.2023
DELIVERED ON:06.09.2023

Upon hearing the learned counsel for the parties, this Court made the following judgment :

(Per : Shri Alok Kumar Verma, J.)

A Writ Petition (C) No.8729 of 2021 "Gaurav Kumar Bansal Versus National Tiger Conservation Authority" was filed before the Hon'ble High Court of Delhi. A Committee of National Tiger Conservation Authority (in short, "NTCA") was formed. The said Committee submitted its factual report based on field visit regarding illegal construction of bridges, buildings and water bodies by felling of trees between Pakhro Forest Rest House and Kalagarh Rest House in Corbett Tiger Reserve in the State of Uttarakhand and illegal felling of large number of trees in ongoing Pakhro Tiger Safari construction in Kalagarh Tiger Reserve Division. The Committee found that in order to allow illegal construction of roads and buildings in Corbett Tiger Reserve, Forest Officers had forged the Government records. The Committee recommended that all illegal construction in Morghati and Pakhro FRH campuses be demolished and eco-restoration work be undertaken with immediate effect and also the cost incurred for the same to be recovered from the concerned officers. The Committee opined that the Regional Office of the Ministry of Environment, Forest and Climate

Change (in short "MoEFCC") shall initiate action against the responsible officers as per the provisions of the Forest (Conservation) Act, 1980, the Wild Life (Protection) Act, 1972 and the Indian Forest Act, 1927. The MoEFCC vide its letter dated 12.08.2021, 17.09.2021 and 22.10.2021 directed the Chief Wildlife Warden of Uttarakhand to furnish a report on the complaints sent by Mr. Gaurav Kumar Bansal, Advocate regarding the illegal construction and illicit felling of trees at the locations in question within Corbett Tiger Reserve.

2. This Court has taken Suo-Motu cognizance of a news item, published on 23.10.2021 in "The Times of India" regarding the illegal construction activities being undertaken against the various forest laws in Corbett Tiger Reserve. The said matter has been registered as Suo-Motu Writ Petition (PIL) No.178 of 2021.

3. The Writ Petition (PIL) No.208 of 2021 has been filed inter alia praying for constitution of a Special Investigation Team to look into the allegations and to ensure a free, fair and transparent investigation.

4. Both these two petitions relate to a similar matter, therefore, these two petitions are being considered and decided by this common order.

5. The Suo-Motu Writ Petition (PIL) No.178 of 2021 will be treated as a leading case.

6. This Court issued directions in the Writ Petition (PIL) No.178 of 2021 on 27.10.2021 :-

"8. Meanwhile, the Principal Chief Conservator of Forest (General), Uttarakhand, the respondent no.5, the Principal Chief Conservator of Forest (Wildlife), Uttarakhand, the respondent no.6, and the Director of the Corbett National Park, Uttarakhand, the respondent no.8, are directed to inspect the site, and to submit a report with regard to the nature and extent of the illegal constructions being carried out, with regard to the persons, who are responsible for carrying out the said illegal constructions, and with regard to the concrete steps taken by the respondent nos.5, 6 and 8 against such persons, and against the illegal constructions."

7. In compliance to the said direction dated 27.10.2021, the Principal Chief Conservator of Forests (General), Uttarakhand, the Principal Chief Conservator of Forests (Wildlife) and the Director of the Corbett National Park, Uttarakhand made a site inspection on 30.10.2021. The team together visited Pakhro Tiger Safari and Pakhro FRH, Morghati FRH, Kalagarh FRH in Kalagarh Tiger Reserve Division and Saneh Forest Rest House in Lansdowne Forest Division. On the basis of the site inspection, a report was submitted with these conclusion :-

"a. For constructions of buildings at Morghatti, there is no approval from the competent authority. It is in violation of

both Wild Life Protection Act, 1972 and Forest Conservation Act, 1980.

b. For entire construction works carried out at Pakhrau Tiger Safari, a detailed investigation is required to know the illegally felled trees in excess of 163 trees, which were approved for felling. Permission for only 163 trees has been accorded under the FC Act, 1980. No permission for construction in FRH premises has been granted under the approved plans. Investigation is also required to ascertain the extent of deviation from the approved plan for establishment of Tiger Safari and seek approval from the competent authority.

c. Regarding construction on the Kalagarh-Morghatti road, the facts have been provided in the NTCA's site inspection report that it is not a non-forestry activity. The strengthening of the road is very much a part of TCP. The only thing lacking is that DFO has not obtained any administrative or financial sanctions from the competent authority.

d. Construction of waterhole at Pakhrau, which is in the buffer zone is also not a non-forestry activity. TCP does allow creation of new waterholes as per requirements, but detailed guidelines have been provided for the same. No consultations have been done with the office of Field Director, CTR and CWLW for creation of this waterhole. It

also needs to be further examined that what flora has been disturbed at the site for creation of this waterhole."

8. As per the said report, all the illegal construction activities were carried out under the direction of the office of DFO, Kalagarh Tiger Reserve Division.

9. In response to the directions of MoEFCC dated 12.10.2021, the site of the Pakhro Safari area was also inspected by the DIG, Forest of Integrated Regional Office. His report dated 01.11.2021 discloses:-

i. There is violation of condition of FC approval as more than 163 trees have been removed.

ii. Some more trees have been removed from the site of the water body, constructed near Pakhro FRH which is illegal and need further investigation.

iii. The constructions being carried out in four locations are permanent cement concrete structure being constructed over forest land by custodian of the said forest land i.e. DFO, Kalagarh Tiger Reserve Division.

iv. Majority of the structures are having identical layout plan with four rooms in one building with the each room having independent toilet facility.

v. Reception centre is being constructed in two of the four locations.

vi. The construction at four locations appears to be for the purpose of tourism which is a non-forestry activity.

vii. Extensive construction activity has been recorded during the inspection at four locations in the forest area for which no statutory/administrative/financial approval could be produced by the then DFO, Kalagarh Tiger Reserve Division who was present during inspection.

viii. The then DFO, Kalagarh Tiger Reserve has continued with the construction work at least a day before the inspection in spite of the directions to the contrary, from the Director, Corbett Tiger Reserve.

ix. The above action is against the provisions of IFA 1927, Forest (Conservation) Act, 1980 and Wildlife Protection Act, 1972.

x. Further, detailed investigation should be ordered by competent authority in the matter so that accountability could be fixed and legal action could be taken under the 3A/3B of the Forest (Conservation) Act, 1980, Indian Forest Act, 1927 and Wildlife Protection Act, 1972."

10. There cannot be any two opinions that the constitutional mandate is that the natural resources are the assets belong to the people of the country. It is the obligation of all concerned, including the Government, to conserve and not waste such valuable resources. State is a protector of public properties. State is the trustee of all the public properties and natural resources. State as a trustee is under a legal duty under Doctrine of Public Trust to protect these natural resources. This

Doctrine is found in a concept that certain common properties such as air, water, sea and the forests, are held by Government in trusteeship for the free use of general public.

11. In the case of **M.C. Mehta Vs. Kamal Nath and Others, (1997) 1 SCC 388**, the Hon'ble Supreme Court while considering the doctrine of public trust observed as under:-

"25. The Public Trust Doctrine primarily rests on the principle that certain resources like air, sea, waters and the forests have such a great importance to the people as a whole that it would be wholly unjustified to make them a subject of private ownership. The said resources being a gift of nature, they should be made freely available to everyone irrespective of the status in life. The doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes...".

12. In the case of **Intellectuals Forum Vs. State of A.P., (2006) 3 SCC 549**, the Hon'ble Supreme Court observed, "The responsibility of the State to protect the environment is now a well accepted notion in all countries."

13. In the case of **State of NCT of Delhi Vs. Sanjay, (2014) 9 SCC 772**, the Hon'ble Supreme Court has held that the State is the trustee of all natural resources which are by nature meant for public use and enjoyment.

14. It is to be noted that as per the report of Forest Survey of India, the estimated total number of felled trees to be 6093. The Forest Survey of India has also estimated the species and diameter classes of such trees in its report.

15. The Committee of NTCA had filed its detailed site inspection report dated 22.10.2021 in Writ Petition No. 8729 of 2021. One of the recommendations for the State Government was to constitute a Vigilance Inquiry against the officers involved in the construction activities without any requisite approval. The State Government directed the Director, Vigilance Establishment to initiate an open enquiry against the concerned officers in the matter vide its letter dated 09.11.2021. The vigilance inquiry is still pending.

16. A five member Committee, led by Additional Principal Chief Conservator of Forests, was constituted by the Principal Chief Conservator of Forests (HoFF), Uttarakhand vide his letter dated 27.12.2021 to enquire into various aspects of the establishment of the Tiger Safari at Pakhro. The said Committee also came to the conclusion that several laws have been violated in this matter.

17. Considering the gravity of the matter, National Green Tribunal, Principal Bench, New Delhi has also taken this matter *suo motu* and registered as Original Application No. 748 of 2022, " In re: news item published in the Newspaper "The

Hindu" dated 02.10.2022, "Over 6,000 trees illegally cut for Tiger Safari Project in Corbett Reserve, says FSI report".

18. The National Green Tribunal had directed to constitute a three member Committee comprising DG, Forest Department, ADG, Wildlife Department and ADG, Project Tiger to identify the violators and the steps required for restoration of environment.

19. A copy of the Central Empowered Committee's report No. 3 of 2023 has been filed by Mr. Satyaprakash Singh, Deputy Secretary, Forest Department. The said report states:-

"63 (V). The principal culprit in the illegal construction of roads and buildings infrastructure is the then DFO Kalagarh with dubious past of committing similar irregularities has been hand-picked by the then Forest Minister to be posted to Kalagarh Forest Division and that too without a recommendation from the PCCF and Civil Services Board. This was done ignoring the advice of the State Vigilance department and the PCCF and HoFF not to post him in sensitive posts. It is therefore no surprise that massive legal and financial fraud has been committed within a short period of posting Mr. Kishan Chand to Kalagarh Forest Division.

(viii) Then Forest Minister was instrumental in the planning and execution of illegal and unauthorised roads and buildings within the Corbett Tiger Reserve and in the Lansdowne Division as is evident from his noting in

Government files and of him having supervised the illegal works executed by Shri Kishan Chand, the then DFO and the stand of the Forest Minister against initiation of disciplinary proceedings including the proposed suspension of the then DFO, pursuant to the report of NTCA."

20. The Central Empowered Committee has recommended the State Government to take action under the Indian Forest Act, 1927 and the Wild Life (Protection) Act, 1972 against all accused persons including the Government officials who perpetrated the crime.

21. As per report dated 24.02.2023 of the Committee, constituted by the National Green Tribunal, the construction works of administrative building, internal roads, service roads, Guard huts and Animal holding area were undertaken without any administrative and financial approval and without any budgetary provisions. There has been felling of trees more than the stipulated member of 163 in the approval for the Tiger Safari and works were started without Stage II approval under the Forest (Conservation) Act, 1980.

22. This said report dated 24.02.2023 States:-

"Violation of Forest Conservation Act, 1980: In gross violation of the provisions of Forest Conservation Act, 1980, the work in Pakhrau Tiger Safari started after lying of foundation stone in November, 2020 by then Forest Minister Shri Harak Singh Rawat without having received

any Stage II clearance under section 2 (ii) of Forest Conservation Act, 1980. Various administrative sanctions, financial sanctions and work orders were issued much before the Stage II approvals were issued by State Government. It is surprising to note that without any Stage II approvals in hand Government of Uttarakhand has released following sanctions on 31st March, 2021 for the FY 2020-2021 and then again August, 2021 thereby acknowledging that the work of that much amount has been done and the amount be booked before the close of FY:-

- (i) No.942/N-2-2021-12(43)2020 dated 31.03.2021 for Rs.258.57 lacs for Interpretation Center at Pakhrau.
- (ii) No.771/X-2-2021-12(06)2020 dated 31.03.2021 for Rs.143.57 lacs for Tiger Enclosure.

23. As per report dated 24.02.2023, Mr. Akhilesh Tiwari, DFO Kalagarh, Mr. Rahul, Conservator of Forests/Director, Mr. Jabar Singh Suhag, Chief Wildlife Warden and then Forest Minister have been found responsible for their illegal works. Apart from these provisions, Mr. Braj Vihari Sharma, Forest Range Officer/SDO, Mr. Kishan Chand, DFO, Mr. Sushant Patnaik, the then CCF, Garhwal, Mr. Mathura Singh Mavdi, Forest Range Officer and Mr. L.R. Nag, SDO have also been found responsible.

24. Mr. Abhijay Negi, learned counsel appearing for the petitioner, contended that even after the said enquiries and reports, no effective action has been taken by the Government against the culprit officers, who are the higher authorities of the Government and Forest Department. Therefore, looking at the magnitude of the matter as well as the seriousness involved in the present matter, this Court may consider the free, fair and transparent investigation from an independent Central Agency.

25. On the other hand, it is submitted on behalf of the State that the State has taken action in the present matter by suspending some officers and charge sheeting them while two officers, namely, Kishan Chand, the then Divisional Forest Officer, Kalagarh Tiger Reserve Division and Brij Vihari Sharma, the then Range Officer Sonanadi Range and Pakhru unit of Kalagarh Tiger Reserve Division have been arrested. Further, it has also been submitted on behalf of the State that there is no stay of the Hon'ble Supreme Court on the hearing of the present matter, but it would be appropriate to wait for the Vigilance Inquiry report before passing any order on these petitions.

26. In **Common Cause vs. Union of India, (2015) 6 SCC 332**, the Hon'ble Supreme Court observed, "What is of importance is that as justice must not only be done but it must also appear to have been done, similarly, investigations must not only be fair but must appear to have been conducted in a fair manner".

27. In view of the serious allegations against the higher authorities of the State, merely suspending some officers and keeping the matter pending by giving charge sheets to them does not come under the purview of concrete action in any way. The State Government, vide letter dated 09.11.2021, has instituted an open Vigilance Inquiry. But, the said Inquiry is still pending. In these circumstances, we cannot remain a mere bystander or spectator.

28. In **State of West Bengal and Others Versus Committee For Protection of Democratic Rights, West Bengal and Others, (2010) 3 SCC 571**, the Constitution Bench of the Hon'ble Supreme Court observed,

"69. In the final analysis, our answer to the question referred is that a direction by the High Court, in exercise of its jurisdiction under Article 226 of the Constitution, to CBI to investigate a cognizable offence alleged to have been committed within the territory of a State without the consent of that State will neither impinge upon the federal structure of the Constitution nor violate the doctrine of separation of power and shall be valid in law. Being the protectors of civil liberties of the citizens, this Court and the High Courts have not only the power and jurisdiction but also an obligation to protect the fundamental rights, guaranteed by Part III in general and under Article 21 of the Constitution in particular, zealously and vigilantly.

70. Before parting with the case, we deem it necessary to emphasise that despite wide powers conferred by Articles 32 and 226 of the Constitution, while passing any order, the Courts must bear in mind certain self-

imposed limitations on the exercise of these constitutional powers. The very plenitude of the power under the said articles requires great caution in its exercise. Insofar as the question of issuing a direction to CBI to conduct investigation in a case is concerned, although no inflexible guidelines can be laid down to decide whether or not such power should be exercised but time and again it has been reiterated that such an order is not to be passed as a matter of routine or merely because a party has levelled some allegations against the local police. This extraordinary power must be exercised sparingly, cautiously and in exceptional situations where it becomes necessary to provide credibility and instil confidence in investigations or where the incident may have national and international ramifications or where such an order may be necessary for doing complete justice and enforcing the fundamental rights. Otherwise CBI would be flooded with a large number of cases and with limited resources, may find it difficult to properly investigate even serious cases and in the process lose its credibility and purpose with unsatisfactory investigations.

71. In *Minor Irrigation & Rural Engg. Services, U.P. v. Sahngoo Ram Arya*, this Court had said that an order directing an enquiry by CBI should be passed only when the High Court, after considering the material on record, comes to a conclusion that such material does disclose a prima facie case calling for an investigation by CBI or any other similar agency. We respectfully concur with these observations."

29. This Court, after considering the material on record, comes to the conclusion that the present matter falls within the principles enunciated by the Hon'ble Constitution Bench and we

are satisfied that the material on record does disclose a prima facie case calling for an investigation by the Central Bureau of Investigation.

30. Therefore, the present matter is referred to C.B.I. for proper and uninfluenced investigation in accordance with law.

31. A copy of this order be sent to the Director, C.B.I., New Delhi for compliance.

32. All the authorities in the State, if requested, are directed to cooperate with the C.B.I. in conducting fair investigation of the case.

33. We make it clear that we have not expressed any opinion on the merits of the allegations or make any comment on the contents of the enquiries and reports.

34. A copy of this order be placed on the record of Writ Petition (PIL) No.208 of 2021.

VIPIN SANGHI, C.J.

ALOK KUMAR VERMA, J.

Dt: 06.09.2023

JKJ/Pant

FIRST INFORMATION REPORT**(Under Section 154 Cr.P.C.)**

1. **District:** Dehradun **PS:** ACB Dehradun
Year: 2023
FIR No: RC0072023A0008 **Date:** 11/10/2023

2. Acts & Sections:

Acts	Sections	R/W Section
IPC	420	
IPC	466	
IPC	467	
Forest Conservation Act 1980	Section 3A&3B	
PC Act-1988 (As amended in 2018)	13(1) (a)	

3. **Suspected offences:** Forgery,Cheating
(a) Occurrence of offence:
Day: **Time Period:**
From Date: 2020 **To Date:** 2023
(b) Information Received at PS:
Date: 11/10/2023
(c) General Diary Reference:
Entry No.: 5
Date: 11/10/2023 **Time:** 18:30:14

4. Type of Information: Others

5. **Place of Occurrence:** Corbett Tiger Reserve,
(a) Direction & distance from PS: 184 Km (Apprx.)
Beat No.:
(b) Address:
Plot No.: **Area:**
City: **Pin:**
State: **District:**
(c) In case, outside the limit of this Police Station, then
Name of PS: **District:**

6. Complainant / Informant:**7. Details of known/suspected/unknown accused with full particulars:****Accused 1**

Name: Mr.KISHAN CHAND (1), **Designation:** THE THEN DY FOREST CONSERVATOR KALAGARH FOREST RESERVE
Address:

Accused 2

Name: Unknown Person(s)
Address:

8. Reasons for delay in reporting by the complainant/informant:

No Delay

9. Particulars of properties stolen:

Item Name	Age of Property	Estimated Value (in INR)
-----------	-----------------	--------------------------

10. Total value of property stolen:**11. Inquest Report/U.D. Case No., if any:**

12. First information contents:

The Hon'ble High Court of Uttarakhand at Nainital in Writ Petition No. 178 of 2021 (PIL)- Suo Moto PIL in the matter of illegal construction in Corbett Tiger Reserve Vs Union of India and others- has passed order dated 06.09.2023 directing CBI to conduct investigation into the allegation pertaining to illegal constructions and illegal felling of Trees in the Corbett Tiger Reserve. The copy of order dated 06.09.2023 of Hon'ble High Court of Uttarakhand is enclosed as Annexure "A". In the matter, the Vigilance Establishment, Uttarakhand, Nainital Sector, Haldwani, had registered a Criminal Case No. 06/2022 on 08.08.2022 against Sh. Kishan Chand, the then Dy. Conservator of Forest, Kalagarh Forest Division, Forest Department, Uttarakhand and others, U/s 420,466,467 IPC, Section 3A and 3B of the Forest Conservation Act, 1980 and Section 13(1)(a) of Prevention of Corruption Act and the case is presently under investigation.

The copy of FIR No. 06/2022, dated 08.08.2022 of Vigilance Establishment, Uttarakhand, Nainital Sector, Haldwani, is enclosed as Annexure- "B"

Accordingly, in view of the above order of the Hon'ble High Court of Uttarakhand at Nainital passed in WP No. 178/2021, the investigation of Criminal No. 06/2022 dated 08.08.2022 against Sh. Kishan Chand, the then Dy. Conservator of Forest, Kalagarh, Forest Division Forest Department, Uttarakhand and others, U/s 420,466,467 IPC, Section 3A and 3B of the Forest Conservation Act, 1980 and Section 13(1)(a) Prevention of Corruption Act, 1988 (as amended) is taken over by CBI by registering a Regular Case.

13. Action taken : Since the above information reveals commission of offence(s) u/s as mentioned at Item No.2:**(1) Registered the case and took up the investigation:** Yes

OR

(2) Directed

Name of IO: Prashant Kandpal
Rank: INSPECTOR (ACB Dehradun)
No: 150509

to take the investigation

OR

(3) Refused investigation due to:

OR

(4) Transferred To PS: **District:**
on point of jurisdiction.**Attached documents:****Document name**

Order of High Court

FIR No. 06/2022 dated 08.08.2022 of Vigilance Establishment Sector Nainital Haldwani

FIR read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost.

R.O.A.C.

14. Signature/Thumb Impression of the complainant/informant**Signature of Officer in-charge Police Station****Name:** Satish Kumar Rathi**Rank:** SUPDT. OF POLICE (ACB Dehradun)**15. Date and time of dispatch to the Court:**

सेवा में,

पुलिस अधीक्षक,
केन्द्रीय अन्वेषण ब्यूरो,
जनपद देहरादून।

महोदय,

कृपया अवगत कराना है कि सतर्कता सैक्टर हल्द्वानी, मे पंजीकृत मु0अ0स0 06/22 धारा 420/466/467 भा0द0वि0 3 बी वन संरक्षण अधिनियम 1980, भारतीय वन अधिनियम 1972 व 13(1) (ए) भ्रष्टाचार निवारण अधिनियम 1988 (संशोधित अधि0 2018) बनाम किशन चन्द ,आदि मे निदेशानुसार प्रथम सूचना रिपोर्ट की प्रमाणित छायाप्रति नियमानुसार अग्रिम कार्यावाही हेतु संलग्न कर प्रेषित है।

संलग्नक -

- 1- प्रमाणित छायाप्रति FIR -03 वर्क।

पत्रांक: स0अ0/संवे/17/22 /1471

दिनांक: सितम्बर 2023

8/9/23

CBI SPE DEHRADUN		
Hub Section		CA-I ✓
Add. SP		CA-II
Legal Head		I/c S&W
DSP (Crime)	08 SEP 2023	BO
DSP (Admin.)		
DSP		
(Accounts)		

8.9.23

पुलिस अधीक्षक (मु0)
सतर्कता अधिष्ठान
उत्तराखण्ड देहरादून

क्र. अ. स. 06/2022 धारा 420/466/467 भा. द. वि. नं. 3
 3 वी वन संरक्षण अधि. 1980, भारतीय वन अधिनियम 1987
 व धारा 13(D) (ख) अधिनियम 1988 (संशोधित अधि. 2018)
 मूल/द्वितीय/तृतीय प्रतिलिपि बनाम

विश्वान चन्द्र तत्कालीन उप-अधीक्षक साइबर

न्यायालय/वादी/कार्यालय के लिए

प्रथम सूचना की रिपोर्ट

पु.सं. संख्या
 243805

ण्ड तिथि-संग्रह की धारा 154 के अन्तर्गत पुलिस द्वारा हस्तक्षेप किये जाने योग्य अपराध की प्रथम सूचना

सतकंता अधिष्ठान
 सेंटर नैनीताल (हल्द्वानी)
 डस्ट्रिक्ट नैनीताल
 06/22

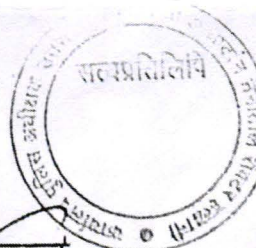
घटना का दिनांक व समय अदम तथीर

5 व समय, जबकि रिपोर्ट की गई	घटना स्थल, दिशा और पुलिस स्टेशन से दूरी	पुलिस स्टेशन से भेजे जाने का दिन
08/08/2022 समय-14:35	कार्बेट नेशनल पार्क के अन्तर्गत भिन्न-भिन्न स्थान, दिशा पश्चिम	प्रक से

- प्रथम सूचना देने वाले के हस्ताक्षर या अंगूठे का चिन्ह लेना चाहिये और इसकी पुष्टि गवाही लिखने वाले पदाधिकारी के हस्ताक्षर के द्वारा होनी चाहिए।

1 देने वाले या शी का नाम व नवास-स्थान	अभियुक्त का नाम व निवास-स्थान	धारा सहित अपराध वाले जायी गयी सामग्री (यदि कोई हो) का विवरण	तहकीकात के सम्बन्ध में जो कार्यवाही की गयी तथा सूचना के दर्ज करने में देरी होने का कारण	मुकदमे का परिणाम
निरीक्षक विनोद कुमार सायब सतकंता अधिष्ठान सेंटर हल्द्वानी नैनीताल।	विश्वान चन्द्र तत्कालीन उप वन संरक्षक, कार्यालय सिव्वा स्तन प्रभाग व साम्प्रित अधि. क्रम. व रेकॉर्डर व अन्य	अभिधान उपरोक्त द्वारा मिली प्राप्त कर राजकीय धन का उपयोग कर, परत का वस्तुप्राप्त करके स्वयं व अन्य को विशेष लाभ व विभाग को सेवाएँ प्रदान व वन सम्पदा को नुकसान व क्षति। राज्य सरकार द्वारा वि. गैर निदेश के विपरीत जानबूझकर निम्न विस्तृत करवा क्रम धारा 420/466/467-1P.C च 3 उ. 3 वी वन संरक्षण अधि. 1980, भारतीय वन अधि. 1972 व धारा 13(D) (ख) अधिनियम 1988 (संशोधित अधि. 2018) की दृष्टि से पट्टा बनाई।	वादी की तथीर पर अभिधान तपती शी कामम वि. गंगा तपती शी पुलिस अधि. 1988 (संशोधित अधि. 2018) के अधिनियम सार पुलिस अधि. 1988 (संशोधित अधि. 2018) की दृष्टि से पट्टा बनाई।	5

तपती शी हाथ



प्रथम सूचना में लिखी जायेगी।

हस्ताक्षर-
 पद- पुलिस अधीक्षक

सूचना देना या निर्यात अथवा रिपोर्ट के अन्त में लगवाना चाहिए।

असतकंता अधिष्ठान, उतराखण्ड
 नैनीताल सेंटर
 हल्द्वानी

रस0यू0 (आन0ई0) 21 फरवरी 514-17-12-2005-10,000 पुस्तकें (कम्प्यूटर/ऑफ़सेट)



पंजाबि
 8/9/2023

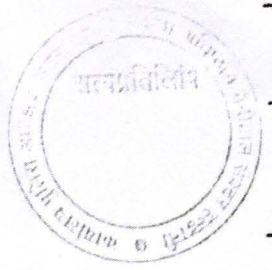
08/09/2023
 पुलिस उपाधीक्षक

उतराखण्ड सतकंता अधिष्ठान
 नैनीताल सेंटर

नवल तहसीर हिंदी वरिष्ठ

सेवा में, श्रीमान पुलिस अधीक्षक सतकंता अधिष्ठान सेक्टर, हल्द्वानी नैनीताल। शासन के गोपनीय क्र. शा. प. सेवा 426/XXX-5/2021-22-51 - (V)/2021 दिनांक 09-11-2021 के द्वारा कार्य नेशनल पावर के अन्तर्गत कड़ी रोड निर्माण मोरघाटी तथा पाखरो वन विभाग परिसर में भूखण्ड व जलाशय के निर्माण में हुई अनियमितता के सम्बन्ध में सुनि लोच करामे जाने का निर्णय लिया गया, जिसके अन्तर्गत में पुलिस अधीक्षक, मुख्यालय सतकंता अधिष्ठान, उत्तराखण्ड देहराडून के पत्र संख्या: स. अ. सु. -15/2021/2199 दिनांक 16 नवम्बर, 2021 के द्वारा सुनी लोच देहराडून सेक्टर द्वारा सम्पादित की गयी सुनी लोच रु पामा बि निर्माण कार्य नेशनल पावर में सोमा नदी रैफ के अन्तर्गत कड़ी रोड निर्माण में आवश्यक वैधानिक पूर्ण स्वीकृति प्राप्त करने सम्बन्धी नियमों का उल्लंघन करने, मोरघाटी वन विभाग परिसर में भूखण्ड के निर्माण हेतु आवश्यक वैधानिक पूर्ण स्वीकृति प्राप्त करने सम्बन्धी नियमों का उल्लंघन करने, पाखरो वन विभाग गृह परिसर में भूखण्ड का निर्माण और पाखरो वन विभाग गृह के समीप जलाशय का निर्माण काम करामे जाने हेतु कार्य नेशनल पावर के अन्तर्गत पाखरो में प्रस्तावित टांगर सफरी में बूझो के पतन किया गया है, साथ ही निर्माण कार्य की स्वीकृति प्राप्त किए बिना अपने जिलेय अधिकारों से अधिक धनराशि की विविध प्रकाशन किये गये हैं, तथा निम्न प्रस्ताव में अर्जाई गर प्रस्ताव निम्नानुसार न है, निम्ने उत्तराखण्ड अधिष्ठाता निर्माणों का उल्लंघन किया गया निर्माण कार्य हेतु किसी सक्षम अधिकारी का अनुमोदन भी प्राप्त नहीं किया गया है, जो स्वीकृति के आभाव में उपरोक्त निर्माण कार्य सरकारी कार्य परिक्षी के अन्तर्गत नहीं आता है, टांगर सफरी के सुनि लोच टांचे को मुख्य रूप से बांस और प्र प्राकृतिक सामग्रियों से किया जाता था, जहाँके उमारेको का किरी सीमेंट, आर. सी. सी. से कर लेजाएर प्लान के विरुद्ध विपरीत तैयार किया गया जो पर्यावरण, वन, स्वयं जलधाम परिधर्मे मेंक्षत्र भारत सरकार के निर्णय दिशा-निर्देशों का उल्लंघन है, मोरघाटी में किये गये निर्माण कार्य हेतु बैम्पा मद से नियम विरुद्ध अर्थात् निर्माण कार्य स्वयं पत्रों का अर्थात् पाम वन सेक्टर अधिष्ठाता का उल्लंघन स्वयं भांसीय वन अधिनियम 1972 का उल्लंघन है। इस प्रकार से प्राप्त साक्ष्यों के आधार पर उपरोक्त अर्जा में श्री किशन चंद व उम्मेद कार्य की अर्जा अर्थात् में सभित अधिकारियों, कर्मचारियों स्वयं हेतुकारो द्वारा की गई मिलीभगत र राजकीय धन का दुरुस्योग करने हेतु अपने पद का दुरुस्योग करने हेतु स्वयं व अन्य को संपूर्ण लाभ व विभाग को सें हानि करने के साध-2 वन सम्पदा का उकसना व भारत/ राज्य सरकार द्वारा किये गये निर्देशों के विपरीत जानबूझकर उक्त हेतु निर्माण विरुद्ध कार्य कसा प्रक्रम दृष्टरग गाई. पी. सी तथा पी.सी. एफ. की संगत धाराओं में अधिनियम पंजीकृत करने संस्तुति कर गारफा शासन को उजिर की गयी थी, जिस प

प्रमाणित
 डाल.



4
 09/09/2022
 पुलिस उपाधीक्षक
 ताराखण्ड सतकंता अधिष्ठान
 नैनीताल सेक्टर
 हल्द्वानी

अपर सचिव उत्तराखण्ड शासन के पत्र संख्या: 544/4/PVDS
 A/A5/5/2022-XXX-5 दिनांक 05-08-2022 द्वारा जारी किया

लगाभार -> तत्कालीन उप वन संरक्षक, कालागाह, रिजर्व वन प्रभाग व
 उपवन कार्या की प्रक्रिया में सम्मिलित अधिनियमो/ कर्मचारीको,
 ठेकेदार व अन्य के विरुद्ध अभियोग पंजीकृत करने की अनुमति
 प्रदान की गई है। शासन से प्राप्त अनुमति के क्रम में गी
 प्रिन्स नरु तत्कालीन उप वन संरक्षक, कालागाह रिजर्व वन
 प्रभाग व उपवन कार्या की प्रक्रिया में सम्मिलित अधिनियमो/ कर्मचारी
 ठेकेदार व अन्य के विरुद्ध धारा 32, 3बी वन संरक्षण अधिः
 1980, भारतीय वन अधिनियम 1972 तथा धारा 13(1)(ख) प्रत्येक
 न्याय अधिनियम 1908 (संशोधित अधिनियम 2018) खेप धारा 420/
 466/467 भा.द.पि. के तहत अभियोग पंजीकृत करने का कल करें।
 दिनांक: अगस्त 08, 2022 SD विनोद यादव (विनोद कुमार यादव) निरीक्षक
 सतकर्ता अधिष्ठाता सेक्टर हल्द्वानी, नैनीताल। SA H. अपरिचित अर्थी।

नोट -> मैं HCP प्रमाणित करता हूँ कि तद्वरी, कि नकल कि प्रजा
 पर शब्द व शब्द अंकित की गई है।

प्रमाणित
 S.L.



Pankaj 08/08/22
 HCP प्रमाणित करी
 सतकर्ता अधिष्ठाता
 सेक्टर हल्द्वानी, नैनीताल

08/09/2022
 पुलिस उपाधीक्षक
 उत्तराखण्ड सतकर्ता अधिष्ठाता
 नैनीताल सेक्टर
 हल्द्वानी



**BEFORE THE ADJUDICATING AUTHORITY
(UNDER THE PREVENTION OF MONEY - LAUNDERING ACT, 2002)
New Delhi
NOTICE TO SHOW CAUSE UNDER SECTION 8 OF PMLA ACT 2002
NOTICE TO SHOW CAUSE**

OA. 1155/2024

08.03.2024

The Deputy Director,
Directorate of Enforcement,
Government of India,
Dehradun Sub Zonal Office,
5-Cross Road, Dehradun-248001
Email id: dddnszo-ed@gov.in/addnszo2-ed@gov.in

.....Applicant

V/s.

Sushanta Patnaik (the then CCF Garhwal)
Address: 211, Lane No 2, Mount Crest,
Canal Road, Kishanpur, Dehradun

Defendant No. 7

Above named Applicant has filed an application received on **05.03.2024** under sub-section (4) of section 17 of PMLA interalia praying for the retention of immovable properties and movable properties in the form of cash, jewellery, digital devices & documents/ records seized on **07.02.2024** against you.

A copy of reasons recorded u/s 8(1) is enclosed alongwith notice u/s 8(1). You may also obtain a certified copy of the same by depositing the required fee with the Registrar AA-PMLA. A note for compliance with respect to notice u/s 8(1) is also enclosed separately with the notice u/s 8(1) which is required to be complied with.

You are called upon to show cause why the retention of immovable properties and movable properties in the form of cash, jewellery, digital devices & documents/ records seized as per details contained in the Application and the accompanying documents be not permitted to be retained by the Enforcement Directorate, PMLA in terms of section 17(4) of PMLA.

You are directed to file your written reply on or before **17.04.2024** as per instruction contained in para 4 of Show Cause Notice (Copy enclosed).

Given under my hand and the seal of the Adjudicating Authority, this **08TH** of March of Two Thousand and Twentyfour.

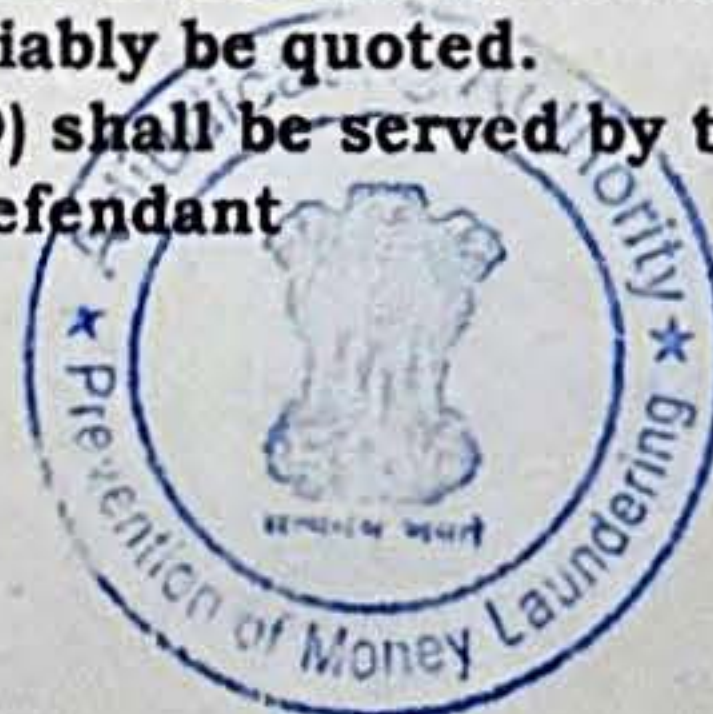
[Handwritten Signature]
08-03-2024

**Registrar/Administrative Officer
Adjudicating Authority (PMLA)
Room No. 26, 4th Floor,**

**Jeevan Deep Building, Parliament Street, New Delhi - 110001
Phone No. 011-23363620, email -registraraapmla-rev@nic.in**

P.S. 01. Please ensure that all Copies of Written Replies/ Submissions which includes documents, RUD by the parties concerned if any, in respect of above said case may be forwarded dully spiral bound & page numbered and duly indexed in hard as well as soft copy (in CD) in word form and RUD in PDF in English language only along with forwarding letter duly signed each paper for consideration by the Presiding officer before first date of hearing with a copy to Complainant to enable them to present their views on the submissions made before the Hon'ble court at the time of regular hearing. If the translated copies in English is not provided than these documents shall not be taken into consideration by the Presiding officer. Advanced copies of such written submissions may also be sent by defendants on email of AAPMLA and complainant also atleast four days in advance. No further time would be allowed and the matter will be decided on basis of material available on records according to law. No written submission shall be accepted/ considered after due date of filing the submission or once the order is reserved unless specifically permitted by the respective Presiding Officer. No Adjournment for postponement of date of hearing though E-mail/Post shall be entertained. Further, as you are aware of the proceedings in your case since long and you have been given reasonable time by the Adjudicating Authority for availing the opportunity to explain, you are requested not to seek routine adjournment for compliance. The request for Postponement of date of hearing shall be considered during the Course of regular hearing in the court room only. If any stamped documents are filed then photo copy of both sides of stamp paper/ stamp documents should invariably be filed. In all future communication, the e-mail address, fax number, mobile number and land line number should invariably be quoted.

02. Notice along with Relied upon documents (RUD) shall be served by the complainant directly to all Defendants as per law. Only Advance notice has been sent to defendant



Date – 07.03.2024

RECORDING OF REASONS U/S 8(1) OF PMLA 2002 BY THE ADJUDICATING AUTHORITY.

1. The Deputy Director, Enforcement Directorate, Dehradun, (hereinafter referred to as applicant) filed an Application received by this Authority on 05.03.2024 under section 17(4) of PMLA in the matter of **Shri Brij Bihari Sharma & Ors.** for the retention of immovable properties and movable properties in the form of cash, jewellery, digital devices & documents/ records seized during searches conducted on 07.02.2024.

2. It has been brought on record that an FIR bearing No. 06 of 2022 dated 08.08.2022 was registered against Kishan Chand, the then Divisional Forest Officer (DFO), and others under Sections 420, 466, 467 of the Indian Penal Code, 1860, Sections 3(A) & 3(B) of the Forest Conservation Act, 1980, the Wild Life (Protection) Act, 1972, and 13(1)(a) of PC Act, 1988, for irregularities in the construction of Kandi Road, Morhahi, construction of a building in Pakhro Forest Guest House, along with construction of a pond.

3. It has been further brought on record that chargesheet No. 01/2023 dated 07.01.2023 was filed by Vigilance Establishment before the Hon'ble Court under Sections 420, 466, 467, 471, 409, 120B of IPC, 1860, and Sections 13(1)(a) & 13(2) of PC Act, 1988 against Brij Bihari Sharma, the then Forest Ranger. Another supplementary Chargesheet No. 01(A)/2023 dated 21.03.2023 was filed by Vigilance Establishment before the Hon'ble Court under Sections 420, 466, 467, 471, 409, 120B of IPC, 1860, and Sections 13(1)(a) & 13(2) of PC Act, 1988 against Kishan Chand, Divisional Forest Officer (DFO).

4. Further it has been placed on record that investigation under PMLA has revealed that:

- a. Kishan Chand, under criminal conspiracy with Brij Bihari Sharma, then Forest Ranger of Pakhro Range and Sona River

Range, Kalagarh Tiger Reserve, and other officers/ officials/ contractor, carried out illegal constructions of buildings, Kandi Road, pond, and cutting of trees without prior approval from the competent authority. They also published tenders for amounts exceeding financial power, contrary to the rules of the Uttarakhand Government.

- b. Without prior and legal approval from the competent authority, Kishan Chand, the then Divisional Forest Officer (DFO), expended Rs. 90,00,000/- (Ninety Lakhs Rupees) for an electric line, Rs. 5,94,000/- (Five Lakhs Ninety-Four Thousand Rupees) for internal roads, Rs. 18,54,621/- (Eighteen Lakhs Fifty-Four Thousand Six Hundred Twenty-One Rupees) for administrative buildings, Rs. 45,23,217/- (Forty-Five Lakhs Twenty-Three Thousand Two Hundred Seventeen Rupees) for a 6-meter road, Rs. 30,05,017/- (Thirty Lakhs Five Thousand Seventeen Rupees) for A.C., freezer, geyser, etc., Rs. 9,28,000/- (Nine Lakhs Twenty-Eight Thousand Rupees) for Elephant protection wall in Pakhro tiger reserve-1, Rs. 35,00,000/- (Thirty-Five Lakh Rupees) for the construction of an elephant wall from Kempa Garh to Sona River Range.
- c. Kishan Chand, under criminal conspiracy, appointed Brij Bihari Sharma, then Forest Ranger, to the post of SDO. Although the appointment to the post of SDO was cancelled, Sharma continued in the post. It is reported that bills for four buildings were fabricated and later produced for payment of Rs. 24,00,000/- (Twenty-Four Lakhs Rupees) after deducting taxes for repair work. These bills were subsequently approved by then DFO, Kishan Chand. The amount was credited to the account of the contractor, Amit Kumar Singh.
- d. An order dated 21.10.2023 from the Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi, stated "Over 6000 trees illegally cut for tiger safari project in Corbett Reserve, says FSI report." In compliance with the directions

of the Hon'ble NGT, reports have been submitted on six sections: (A) Background, (B) Complaints and inquiries, (C) Legal Positions, (D) Observations, (E) Violations and Erring Officials, and (F) Recommendations for the restoration of the Environment.

- e. Work on the Pakhro Tiger Safari Project commenced after the laying of the foundation stone in November 2020 by then Forest Minister Sh. Harak Singh Rawat, without obtaining Stage II clearance under Section 2(ii) of the Forest Conservation Act 1980. Administrative sanctions, financial sanctions, and work orders were issued well before the Stage II approvals were granted by the State Government. Surprisingly, without Stage II approvals, the Government of Uttarakhand released the following sanctions on 31st March 2021 for FY 2020-21 and again in Aug 2021, thereby acknowledging that work of that magnitude had been completed, and the amount should be booked before the close of the fiscal year:
- i. No. 942/N-2-2021-12(43)2020 dated 31.03.2021 for Rs. 258.57 lakhs for Interpretation Center at Pakhro
 - ii. No. 771/X-2-2021-12(06)2020 dated 31.03.2021 for Rs. 143.57 lakhs for Tiger Enclosure.
- f. For the construction of buildings at various locations and other projects listed, all government officers, including the then Hon'ble Forest Minister, Harak Singh Rawat, and other forest officers were involved.
- g. The Hon'ble High Court of Uttarakhand at Nainital, in writ petition No. 178 of 2021 (PIL), Suo Moto PIL in the matter of illegal construction in Corbett Tiger Reserve vs. Union of India and others, passed an order dated 06.9.2023 directing the Central Bureau of Investigation to conduct an investigation into the allegations of illegal constructions and

illegal felling of trees in the Corbett Tiger Reserve. In this matter, the Vigilance Establishment, Uttarakhand, Nainital Sector, Haldwani, registered a criminal case no. 06/2022 on 08.8.2022 against Kishan Chand, the then Dy. Conservator of Forest, Kalagarh Forest Division, Forest Department, Uttarakhand, and others under sections 420, 466, 467 of IPC, sections 3A and 3B of the Forest Conservation Act, 1980, and section 13(1)(a) of PC Act, 1988.

- h. Accordingly, in view of the above order of the Hon'ble High Court of Uttarakhand at Nainital passed in W.P.No. 178/2021, the investigation of criminal No. 06/2022 against Kishan Chand, the then Dy. Conservator of Forest, Kalagarh Forest Division, Forest Department, Uttarakhand, and others under sections 420, 466, 467 of IPC, sections 3A and 3B of the Forest Conservation Act, 1980, and section 13(1)(a) of PC Act, 1988, is taken over by the Central Bureau of Investigation by re-registering a regular case bearing no. RC0072023A0008 dated 11.10.2023 against Kishan Chand and unknown persons.
- i. Further, during the search conducted by the Vigilance Establishment Sector, Nainital, Haldwani, in case no. 06/2022 on 30.8.2023 at the premises situated at Doon Institute of Medical Science, village-Shankarpur, Sahaspur, Dehradun, and Amravati Filling Station, Nepali Farm, Chhidarwala, PS-Raiwala, Dehradun, two generator sets, one of 180 KWA, serial number FBY20965FG Wilson caterpillar company, and the second generator of 30 KWA, serial number FBY21134 FG Wilson caterpillar company, were seized by the Vigilance Establishment. These generators were purchased from the fund of Kalagarh Tiger Reserve.
- j. The director/ owner/ partner of M/s Amrawati Filling Station, Nepali Farm, Chhidarwala, PS-Raiwala, Dehradun, is Laxmi Singh (Laxmi Singh Rana), from where the generator of 30 KWA, serial number FBY21134 FG Wilson caterpillar

company, was seized by the Vigilance Establishment, Dehradun.

- k. During the period from 28.9.2013 to 28.07.2017, cash deposits to the tune of Rs. 22,95,000/- (approx.) were made into the account number 306802010314761 held with Union Bank of India in the name of Harak Singh Rawat, then Cabinet Minister. Further scrutiny of account no. 2726101008330 held with Canara Bank in the name of Harak Singh Rawat revealed that during the period 10.07.2018 to 24.11.2021, cash deposits made to the tune of Rs. 5.51 Lakhs, credits of Rs. 81.98 Lakhs (approx) from the Doon Institute of Medical Science during the period 17.07.2018 to 06.07.2023, transfer of Rs. 80 Lakhs (approx.) into Doon Institute of Medical Science in July 2018, transfer of Rs. 52 Lakhs into the account of his son Tushit Rawat, and transfer of Rs. 1.13 Crore (approx.) into the account of his wife Deepti Rawat in July and August 2018. Further scrutiny of joint account no. 3968000100175125 with Shivika Rawat held in Punjab National Bank revealed that cash deposits to the tune of Rs. 44.51 Lakhs (approx.) were made.
- l. Further scrutiny of account no. 306802010315196 of Laxmi Singh held at Union Bank of India revealed that an amount of Rs. 7 Lakhs was transferred to Doon Scholars Boys Hostel and Rs. 5 Lakhs to Deepti Rawat, wife of Harak Singh Rawat.

5. Based on the aforesaid facts, information in possession, and reasons to believe, the applicant conducted a search operation under Section 17 of PMLA at the premises of respondent(s) as mentioned in the application which resulted in the seizure of immovable properties and movable properties in the form of cash, jewellery, digital devices & documents/ records.

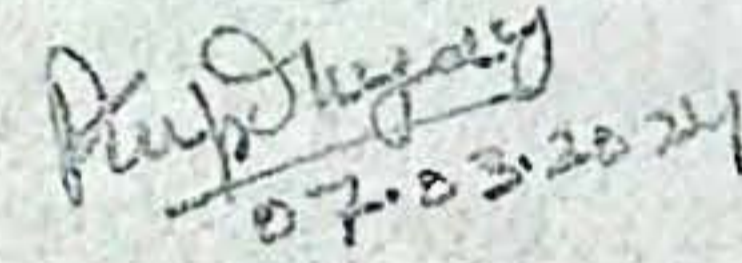
6. The applicant has urged in the application that the immovable properties and movable properties in the form of cash, jewellery, digital devices & documents/ records seized under the Panchnama dated

07.02.2024 are required to be retained until the completion of the investigation under PMLA, 2002, and on completion of the trial in the Special Court, if required, for the purpose of confiscation.

7. On prima facie perusal of the facts submitted by the applicant along with "Reasons to Believe" u/s 17(1) of the PMLA, 2002 and upon going through RUDs, it is noted that the applicant has sufficient reasons to believe, based on which searches and seizure under section 17 has been conducted in a scheduled offence.

8. There is prima facie reasons to believe that the prayer made by the applicant for the retention of immovable properties and movable properties in the form of cash, jewellery, digital devices & documents/ records seized during searches conducted on 07.02.2024 is justified and needs to be considered. Based on the material brought on record, it is observed that the applicant has followed the procedure as prescribed under Section 17 of PMLA 2002.

Note: - A copy of the aforesaid recording of reasons u/s 8(1) of PMLA 2002 is to be sent along with the notice to the Respondents.


07.02.2024

Pradeep Kumar Upadhyay,
Chairperson (Actg.),
Adjudicating Authority,
Prevention of Money Laundering

Reg./AO

Show Cause Notice

1. This show cause notice contains "Reasons to Believe" u/s 8(1) of the PMLA, 2002 wherein the details of the offences are described.
2. In view of the ongoing investigation, it is necessary to ascertain from the Respondent(s) as to why the retention of immovable properties and movable properties in the form of cash, jewellery, digital devices & documents/ records seized during searches conducted on 07.02.2024 should not be permitted.
3. Therefore, the Respondent(s) is/ are called upon to show cause as to why the retention of immovable properties and movable properties in the form of cash, jewellery, digital devices & documents/ records seized during searches conducted on 07.02.2024 should not be permitted in terms of Section 17(4) of PMLA.
4. The Respondent(s) is/ are called upon to file their written replies via email to the Adjudicating Authority (registraraapmla-rev@nic.in) in both MS Word and PDF formats on or before **17th April 2024**. The Respondent(s) is/ are also required to simultaneously file the reply via email to the applicant (dddnszo-ed@gov.in). It is important to note that submitting the soft copy of the reply in MS Word and PDF formats does not replace the requirement of filing a hard copy of the reply. It is mandatory for the respondent to provide their email address within 30 days of receiving this show cause notice. Additionally, a hard copy of the reply, along with a copy of the email regarding the submission of the soft copy, must be sent to both the Adjudicating Authority and the applicant, reaching them **on or before the 5th day after the submission of the reply via email as mentioned above**. Due to the time limitations involved, failure to adhere to the submission schedule may result in the non-placement of the submission on record. Furthermore, upon receiving the reply on or before 24th April 2024, the applicant is required to file a rejoinder by 24th May 2024 in the manner described above, with a copy provided to the respondent simultaneously. In this case, an opportunity for a hearing is provided on 10th July 2024 at 04.30 pm. (To

avail the opportunity for a hearing, it is mandatory for the respondent to provide their email address for the sending of the video link at least one month before the scheduled hearing date.).

5. Furthermore, it is also brought to the notice of the applicant and respondent(s) that, at least 7 days before the scheduled date of the hearing, which is on **03rd July 2024**, for a meaningful discussion on the main issues in connection with the case, the following submissions are required to be sent to the Email of the Adjudicating Authority:

- a. The gist of allegations against the respondents leading to the conduct of the search action under Section 17(1).
- b. The reasons for retention of the seized articles.
- c. The source of funds for the seized articles/ bank accounts frozen under Section 17(1A), along with arguments regarding whether the property is involved in money laundering.
- d. A summary of the reply in response to the notice under Section 8(1), not exceeding two pages, and a summary of the rejoinder submitted by the Applicant, also not exceeding two pages.

Note: - A copy of the aforesaid notice is to be sent along with the recording of reasons u/s 8(1) of PMLA 2002 to the Respondents.

Pradeep Kumar Upadhyay
07.06.2024

Pradeep Kumar Upadhyay,
Chairperson (Actg.),
Adjudicating Authority,

Prevention of Money Laundering

Reg./AO

Note for the Applicant and the Respondents

1. As you are all aware, the proceedings before the Adjudicating Authority for the passing of an order under Section 8(3) in connection with allowing the retention of material under Section 17(4) involve a statutory time limitation period. As such, the order under Section 8(3) is required to be passed within 180 days of the seizure/ freezing order, whether it is for allowing retention or for seizing the same.

2. In the aforesaid circumstances, it is made clear that the issue before the Adjudicating Authority primarily pertains to the justification for the retention of seized material/ freezing order, based on the nature of the material seized/ freezing order in connection with the allegations made in the predicate offence/ application. After considering the reasons under Section 17(1) and the report under Section 17(2), a notice under Section 8(1) has been issued. This notice is prima facie based on the allegations of money laundering, with the purpose of deciding the application requesting the retention of seized documents for further investigation, as mentioned under Section 17(4). Therefore, the Applicant/ Respondent needs to establish a case for the retention/release of seized material while simultaneously raising any legal objections to the contentions made by either party.

3. As per section 6(15) of PMLA: -

"The Adjudicating Authority shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908), but shall be guided by the principles of natural justice and, subject to the other provisions of this Act, the Adjudicating Authority shall have powers to regulate its own procedure."

4. As you are all aware, the Applicant is required to file the Application within 30 days of the seizure/ freezing order. Subsequently, upon examination of the facts, the Adjudicating Authority is obligated to issue a notice under Section 8(1) to the Respondents, providing them with a minimum of 30 days to file a reply. This process takes approximately 8 weeks, which is roughly 50% of the statutory time

limitation, until the Respondents file their reply, i.e., 12 weeks from the date of attachment. If the reply is filed on time, an additional 4 weeks are allotted to the Applicant to file a rejoinder, resulting in another month passing. Furthermore, the Respondents are granted at least two weeks for the opportunity to be heard. Following this, a minimum of 4 weeks is required to pass the order, as there are numerous other cases in which orders must be issued, adhering to the statutory time limitation. In these circumstances, the Adjudicating Authority has a cushion of only 2 weeks to provide adjournments for the filing of replies/ rejoinders, allowing no more than a week for either side. Thus, the tentative schedule of compliance under Section 8(1) will be as follows:

S. No.	Particular	Number of days
1.	Submission of Application u/s 17(4)	Day 1 to day 30
2.	On receipt of application, recording of reasons, issue of notice and dispatch and giving minimum 30 days	Day 31 to Day 90
3.	Request for adjournment if any for filing of reply	Day 91 to Day 97
4.	Direction for filing of rejoinder to the Applicant 4 weeks	Day 98 to Day 126
5.	Request of adjournment if any	Day 127 to Day 133
6.	Opportunity being heard after a gap of two weeks after receipt of rejoinders	Day 134 to Day 148
7.	4 weeks' time allowed for passing of order u/s 8(3)	Day 149 to Day 176
8.	4 days left for despatching/ printing of orders u/s 8(3)	Day to 177 to Day 180.

5. In the aforesaid circumstances, while the Adjudicating Authority is committed to adhering to the principles of natural justice, it has been

requesting the Respondents to file their reply to the core issue under Section 17(4) and in the subsequent notice under Section 8(1). The authority has also highlighted the constraints, if any, in filing the reply and granted liberty to raise any legal issues on or before the first day of compliance. This approach ensures that the decision of the authority is part of the proceedings, having considered the Respondents' arguments on the first day of compliance. It is important to note that no adjournments for filing objections will be allowed after the first date of compliance. Moreover, to file the reply, at most, only a 1-week adjournment can be granted. Issues that do not impact or constrain the justification or reply regarding the core issue of retention of seized documents or continuation of the freezing order will not be considered separately and will be addressed during the final arguments. Both parties are given the opportunity to file written submissions and present oral arguments, highlighting their contentions. It is also clarified that no more than 1 hour cumulatively will be allotted for the opportunity of being heard, including the final arguments. This allotted time will be scheduled prior to the beginning of the hearing. However, if during the oral hearing, the Bench is convinced that the nature of the issue is complex and warrants additional time for oral arguments to understand the issue from both sides, the time may be extended. Further, each submission, whether written or oral, will be taken into consideration when passing the order under Section 8(3).

Pradeep Kumar Upadhyay
07.02.2024

Pradeep Kumar Upadhyay,
Chairperson (Actg.),
Adjudicating Authority,
Prevention of Money Laundering

Reg./AO

Enclosure:

- a. A copy of reasons to believe recorded u/s 8(1) of PMLA.
- b. A copy of the Show Cause Notice.