

**BEFORE THE NATIONAL GREEN TRIBUNAL,
AT THE WESTERN ZONAL BENCH AT PUNE
ORIGINAL APPLICATION NO. 202 OF 2024 (WZ)**

IN THE MATTER OF:

Janaksinh Khushasinh Parmar

...Applicant

Versus

MoEF&CC, through Secretary & Ors

...Respondent

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Filed on: 19.06.2026

Filed by:



**Malika Aggarwal and Himanshu Tyagi
Advocates for the Original Applicant**

Off: #12 Todarmal Lane, Bengali Market,
New Delhi

Chamber no.66, Patiala House Court,
New Delhi, Mob: 8800139391

Email: mallika.agarwal5@gmail.com

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**REPLY ON BEHALF OF THE ORIGINAL APPLICANT TO
THE INTERIM APPLICATION FILED BY RESPONDENT
NOS. 5 AND 6 SEEKING EARLY LISTING AND INTERIM
DIRECTIONS**

MOST RESPECTFULLY SHOWETH:

1. That the present Reply is being filed by the Original Applicant in response to the Interim Application filed by Respondent Nos. 5 and 6, seeking early listing of Original Application No. 202 of 2024 and urgent ad-interim directions/orders, including grant of provisional Environmental Clearance for the ongoing project.

2. That at the outset, the Applicant denies each and every statement, allegation, contention and averment in the IA, save and except those specifically admitted herein. Nothing contained in the IA shall be deemed to be admitted for want of specific traverse.

PRELIMINARY OBJECTIONS

A. IA IS NOT MAINTAINABLE AND SEEKS SUBSTANTIVE FINAL RELIEF IN THE GUISE OF INTERIM DIRECTIONS

3. The IA is a calculated attempt to secure substantive relief in favour of Respondent No. 5 and 6. The reliefs sought in the IA go far beyond the narrow scope of an interlocutory application. The Reliefs (b) and (c) in the Prayer Clause of the IA, seeks directions to the State Environmental Impact Assessment Authority (SEIAA) to grant EC expansion and in the interim to grant provisional Environmental Clearance permission to enable continuation of the subject project, which clearly amount to pre-judging the legality of the very project that is under challenge in the main O.A., and is therefore, wholly impermissible at the stage when final arguments are already underway.

4. That the IA filed by Respondent Nos. 5 and 6 is a calculated attempt to:

(a) divert this Hon'ble Tribunal's attention from the substantive violations already established on record;

(b) obtain provisional Environmental Clearance through the back-door entry, by filing the present IA; and

(c) impugn the character and bona fides of the Applicant through scandalous and misleading imputations, in lieu of addressing final arguments on the merits of the case.

5. That the matter is, as on date, at the stage of final arguments in the Original Application. The IA, therefore, is liable to be dismissed in limine as an abuse of process, being a disguised application seeking regularisation of an established case of Environment violation attracting penal consequences.

B. THE PRAYER FOR PROVISIONAL ENVIRONMENTAL CLEARANCE IS WHOLLY IMPERMISSIBLE IN LAW

6. That Respondent Nos. 5 and 6 pray, inter alia, that this Hon'ble Tribunal direct the State Environmental Impact Assessment Authority (SEIAA) to grant Environmental Clearance for Expansion of the project and in the interim, grant “provisional Environmental Clearance/permission” to enable continuation of the project.

7. That Respondent No. 5 has itself filed an expansion proposal dated 16.04.2025 bearing Proposal No. SIA/GJ/INFRA/253336/2025, admitting that the total built-up area is 1,59,325.58 sq. m, as against 1,11,225.30 sq. m, as declared in the original EC dated 31.05.2024.

8. That the Joint Inspection Report as well as Respondent No. 5's own six-monthly compliance reports already establish, inter alia,

(a) commencement of construction before EC,

- (b) excavation and diaphragm/retaining wall works prior to EC,
- (c) discharge of groundwater into SMC sewer without authorisation, and
- (d) non-existence of mandatory infrastructure such as STP at the project site.

In this factual backdrop, an IA seeking provisional clearance and continuation of project activities is ex facie untenable.

C. THE ATTACK ON THE APPLICANT'S CHARACTER IS FALSE, MALA FIDE AND LEGALLY IRRELEVANT TO THE ENVIRONMENTAL VIOLATIONS ESTABLISHED ON RECORD

9. That the Original Application has already advanced to the stage of final arguments. A substantial portion of the IA from para no. 4 to 13, is devoted not to the project or its environmental compliance but to the character assassination of the Applicant, relying heavily upon an order of the Hon'ble Gujarat High Court in Writ Petition (PIL) No. 67

of 2022 and the alleged criminal antecedents, none of which have the slightest nexus with the project or its environmental compliance. The timing of the IA, just when the Applicant has filed a detailed Rejoinder exposing glaring misrepresentation in Form-I, violation of EC conditions shows the mala fide intent of the Respondents no. 5 and 6.

10. That the Respondents no. 5 and 6 have placed undue reliance on an order dated 27.02.2026 passed by the Hon'ble High Court of Gujarat in Writ Petition (PIL) No. 67 of 2022, being a petition concerning construction near a protected monument. It is submitted that the said order has no bearing whatsoever on the merits of the present proceedings, which concern independent and documented violations of environmental law, corroborated by:

(a) the Respondents' own compliance reports;

(b) the Joint Inspection Report dated 09.06.2025 prepared by statutory authorities; and

(c) the Respondents' own admissions in their Affidavit in Reply dated 11.11.2025.

11. That the reality of the cases cited against the Applicant is as follows:

Sr. No.	Case No.	Correct Position	Status
1	CC No. 3000202/2016	Petitioner is complainant under Section 138 NI Act, not accused	Disposed
2	CRMA No. 4636/2018	Petitioner is applicant in NI Act proceedings	Disposed
3	CC No. 71703/2019	Petitioner is complainant under Section 138 NI Act	Disposed
4	CC No. 3703237/2014	Petitioner is complainant under Section 138 NI Act	Disposed
5	CC No. 837/2021	Petitioner is complainant in FIR No. 237/2014	Pending
6	Civil Suit No. 207/2018	Property dispute; Petitioner is plaintiff	Civil Dispute

7	CC No. 465/2016 (FIR No. 3022/2015)	Petitioner ACQUITTED vide judgment dated 09.02.2016	Acquitted
8	CC No. 3970/2017 (FIR No. 136/2016)	Trial pending; IO not appearing;	Pending
9	CC No. 2200611/2015 (FIR No. 3122/2015)	Trial pending; complainant not appearing	Pending

12. That in several of the above cases, the Applicant himself is the complainant/plaintiff. It is wholly improper to cite those cases as evidence of criminal antecedents. Criminal cases registered at the instance of the B Safal Group, the very entity that is the subject of the Applicant's whistleblowing activities, cannot be cited as evidence of the Applicant's criminal antecedents, as they are motivated complainants.

13. That the CBI has registered FIR No. RC0262025A0027 dated 08.04.2025 in a Disproportionate Assets case against Rajdeep Singh

(IRS, Commissioner of Income Tax), wherein one of the Directors of B Safal Group has also been arrayed as accused, who is connected to the present matter.

The copy of the FIR No. RC0262025A0027 dated 08.04.2025 in a Disproportionate Assets case against Rajdeep Singh (IRS, Commissioner of Income Tax) is marked and annexed herewith as **ANNEXURE R-1**.

14. That the Applicant has been instrumental in exposing Rs. 300 crore Lakudi Talav Housing Scam wherein Vigilance and CAG reports found hundreds of irregular allotments and diversion from the land meant for slum dwellers to unauthorised persons through forged allotment documents. In this case, the Hon'ble High Court of Gujarat directed registration of FIR. The Gujarat police later filed a closure report in the same matter, which was dismissed by Ld. Trial Court with strong remarks against the conduct of the investigating agency, as a direct result of petitioner's PIL.

A copy of the relevant order/judgments in the Lakudi Talav Corruption Scam in which B Safal group is involved is marked and annexed herewith as **ANNEXURE R-2**.

**D. NO CASE OF BALANCE OF CONVENIENCE OR
IRREPARABLE LOSS MADE OUT**

15. That the Respondent No. 5 urges alleged “financial and operational setbacks” and “degradation of partially developed infrastructure” if the project is not allowed to proceed, but nowhere addresses the fact that such risks arise solely from its own conscious decision to commence and continue large-scale construction activities including deep excavation and diaphragm/retaining wall works, prior to and in excess of the scope of the existing EC.

16. That the Applicant, on the other hand, has shown from Respondent No. 5’s own documents which shows that

(i) the project was conceived since the beginning as a 3-basement + ground + 5-storey high-rise with multiplex and BUA exceeding 1,50,000 sq. m,

(ii) construction was pursued on that basis even before EC and without disclosure of the true scope, and

(iii) EC conditions on water, sewage, top-soil, dust mitigation etc. were violated/admitted as “will be complied”.

In such circumstances, the “hardship” alleged by the Respondents no. 5 and 6, cannot outweigh the environmental and statutory mandate of deterring environmental violations.

17. That the balance of convenience lies in preventing further unlawful construction and environmental harm rather than permitting interim regularisation by way of the present IA.

PARA-WISE REPLY TO THE IA

18. That the contents of paragraph no. 1 and 2 of the IA are formal in nature and require no specific reply, save that it is emphatically denied that the project has “adhered to all environmental parameters and compliance with conditions.” It is submitted that the Joint Inspection Report dated 09.06.2025 and the Respondents' own compliance reports categorically establish multiple, serious, and ongoing violations of EC conditions. The same is detailed exhaustively in the Applicant's Rejoinder, the contents of which are adopted herein and not reproduced for the sake of brevity.

19. That the contents of paragraph 3 are wrong and denied as they seek to characterise the Applicant's allegations as “similar unsubstantiated allegations.” It is submitted that:

- a.** The allegations of the Applicant stand fully corroborated by the Joint Inspection Report dated 09.06.2025 under the directions of this Hon'ble Tribunal.
- b.** The Respondents' own compliance report for the period 01.07.2024 to 31.12.2024 acknowledges non-compliance with

the EC conditions. An affidavit of compliance that replies “*will be complied*” to mandatory existing obligations is an admission of current non-compliance.

- c.** The fact that SEIAA granted Environmental Clearance does not insulate the Respondents from scrutiny under the NGT Act for violation of EC conditions.

20. That paragraphs 4 and 5 contain personal attacks on the Applicant and reliance on the order dated 27.02.2026 passed by the Hon'ble Gujarat High Court in Writ Petition (PIL) No. 67 of 2022. It is submitted as under:

- a.** The said order relates to a separate, independent petition concerning alleged construction near a protected monument, namely the Small Stone Mosque/Rani's Masjid. The said petition concerns entirely different facts, different parties, different laws (Ancient Monuments and Archaeological Sites and Remains Act) and a different subject matter. It has no bearing whatsoever on the veracity of the environmental violations established in the present proceedings.

- b.** The imposition of costs in the said proceedings is already under the process of challenge through a Review Petition to be filed before Hon'ble High Court of Gujarat. Even otherwise, the said proceeding, cannot negate the documentary record in the present case, which has been corroborated by the MOEFCC Joint Inspection Report, the Respondents' own admissions, and their own documentary evidence.
- c.** It is emphatically denied that the Applicant is a "habitual litigant" or "busybody." The Applicant is a citizen who has consistently and bona fide raised issues of public interest, including in relation to the B Safal Group's wrongdoings in the Lakudi Talav Housing Scam (where the Gujarat High Court directed registration of FIR) and in the Disproportionate Assets matter involving CBI FIR No. RC0262025A0027 dated 08.04.2025.
- d.** The allegation that the Applicant files frivolous litigations "to extract undue advantage" and to "extort financial benefits" is a grave and baseless imputation made without any factual foundation or evidentiary support. The Respondent Nos. 5 and 6, being the subject of the Applicant's whistleblowing activities,

have a clear motive to malign the Applicant and this submission must be rejected with the contempt it deserves.

- e.** The FIR No. 136/2016 (Vejalpur Police Station) arising in CC No. 3970/2017 was registered by B Safal Group against the Applicant. The IO is not appearing and no significance can therefore be attached to this pending case as the Applicant is entitled to constitutional presumption of innocence until proven guilty.
- f.** The case in CC No. 465/2016 has resulted in the acquittal of the Applicant. No adverse inference can be drawn from an acquittal.
- g.** Several of the cases cited are cases in which the Applicant himself is the complainant in Negotiable Instruments matter. Citing these as "criminal antecedents" is not only factually wrong but also misleading to this Hon'ble Tribunal.

21. That the contents of paragraphs 6, 7, and 8 reiterate the attack on the Applicant's character and repeat the averments regarding the Gujarat High Court order. These paragraphs are denied for the same reasons set out above. It is further submitted that the repeated emphasis

on the alleged antecedents of the Applicant, while conspicuously remaining silent on the substantive violations documented in the record, is itself an indicator of the Respondents' inability to address the merits of the case.

a. The characterisation of the Applicant as a “busybody” and of the present proceedings as an “abuse of process” is belied by the fact that:

i. This Hon'ble Tribunal itself directed a joint site inspection, which was conducted on 09.06.2025, and the said inspection confirmed multiple violations of EC conditions.

ii. The Respondents' own documents i.e, Work Orders, Soil Investigation Reports, Structural Stability Certificates, Fire Safety Opinions, all corroborate the Applicant's allegations regarding the deliberate misrepresentation of project scope and commencement of construction prior to EC.

- iii.** The Respondents themselves have filed an expansion application dated 16.04.2025, tacitly acknowledging that the project scope exceeds the original EC.

22. That the contents of paragraphs 9 to 13 of the Interim Application are denied in their entirety. The submission that there is "no factual foundation whatsoever" for the allegations raised is not only incorrect but is also contradicted by the very record filed by the Respondents themselves. Specifically:

- a.** The Respondents' own Affidavit in Reply dated 11.11.2025, at paragraphs 7.7, 7.8, 7.9 and 7.11, admits commencement of excavation, installation of diaphragm walls, retaining walls and soil strengthening prior to grant of EC dated 31.05.2024. These admissions alone establish the violation of the mandatory requirement of prior EC under the EIA Notification, 2006.
- b.** The Respondents' Building and Other Construction Workers Registration bearing File No. 104 dated 12.02.2024 records commencement of construction from 22.12.2023, i.e., six months prior to the EC dated 31.05.2024.

- c.** The Project Mapping Report (Annexure 8 at page 582 of the Reply) records the building configuration as 3 Basements + Ground + 5 Upper Floors with a total height of 35.95 metres, against the declared 3 Basements + Ground + 2 Floors with a height of 16.45 metres in the original EC application.
- d.** The Soil Investigation Report dated 04.04.2023 explicitly confirms the project as “Mall (3 Basement + G + 5 Floors)”, demonstrating that the true scope was known from the inception yet was fraudulently concealed from SEIAA.
- e.** The Joint Inspection Report confirms:

 - i.** 500 KLD/day groundwater extraction without CGWA NOC;
 - ii.** wastewater discharge into SMC sewer without septic tank/soak pit;
 - iii.** water consumption of 40,000 litres/day against the EC-permitted 9.75 KLD; and
 - iv.** failure to implement dust mitigation and green belt development.

23. That the claim in paragraph 14 that the Respondents have “religiously followed all applicable environmental laws and norms” is wholly incorrect and is contradicted by the following:

- a.** The Respondents' own six-monthly compliance report for 01.07.2024 to 31.12.2024 lists multiple mandatory EC conditions as “Will be complied” i.e., not yet complied with, including EC Conditions relating to STP, septic tank, rainwater harvesting, compliance reporting, green belt, and no expansion without prior EC.
- b.** The Joint Inspection Report dated 09.06.2025 records direct, objective violations at the site, including groundwater extraction, wastewater discharge, and failure to provide mandatory infrastructure.
- c.** The Respondents cannot rely on the original grant of EC as proof of compliance with EC conditions, as the issue under examination is post-EC conduct.

24. That the contents of paragraph no. 15 are wrong and denied. The claim that balance of convenience lies in favour of the Respondents is

denied. In matters of environmental law, the balance of convenience and the precautionary principle both demand that a project which has been built in violation of EC conditions, on misrepresentation of project scope and with continuous breaches of mandatory conditions of the EC, must be halted rather than further facilitated. The concept of irreparable harm from stopping illegal construction cannot be used to legitimise violations of mandatory environmental law.

25. That the prayer for early listing of the Original Application is not opposed in principle. However, the prayer for provisional EC and direction to SEIAA to grant EC expansion is wholly opposed and must be rejected for the reasons set out herein.

PRAYER

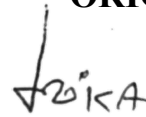
In light of the above facts and submissions, it is most humbly prayed that this Hon'ble Tribunal may be pleased to:

- a.** Dismiss the Interim Application with costs, being an abuse of the process of this Hon'ble Tribunal;

- b.** Direct that all scandalous and misleading averments in the IA relating to the Applicant's alleged antecedents and litigations, particularly paras 5 to 13 and related annexures, be ignored and/or struck off from the record, as they have no nexus with the environmental questions arising in the present matter;
- c.** Pass such other and further orders as this Hon'ble Tribunal may deem fit in the facts and circumstances of the case, in the interest of justice.

THROUGH

ORIGINAL APPLICANT



Malika Aggarwal and Himanshu Tyagi
Advocates for the Original Applicant
Off: #12 Todarmal Lane, Bengali
Market, New Delhi
Chamber no.66, Patiala House Court,
New Delhi
Mob: 8800139391
Email: mallika.agarwal5@gmail.com

Date: 19.06.2026

Place: Pune

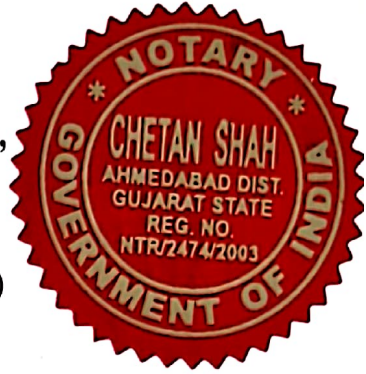
SR. NO. 804/2026

Chetan Shah

CHETAN SHAH
NOTARY
GOVT. OF INDIA

19 JUN 2026

BEFORE THE NATIONAL GREEN TRIBUNAL,
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AFFIDAVIT

I, Janaksinh Khushasinh Parmar S/o Sh. Khushalsinh Parmar R/o 26, Bhagwan Nagar Chali, Nr. Ajit Society, Paldi, Ahmedabad 380007, do hereby solemnly affirm and declare as under:-

1. That I am the Original Applicant in the above mentioned case and am fully conversant with the facts and circumstances of the same, hence competent to swear the present affidavit.
2. That the accompanying Reply to the IA has been drafted by my counsel under my instructions and the contents of the same have been read over by me, same be read as part and parcel of this affidavit, which are not being reproduced herein for the sake of brevity.

Janaksinh Khushasinh Parmar
Deponent

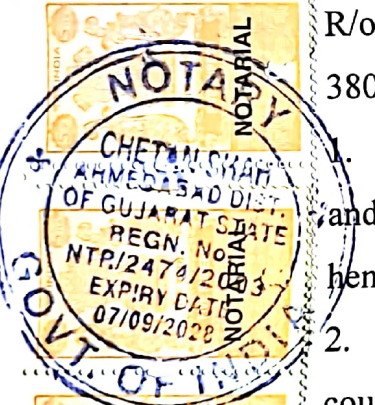
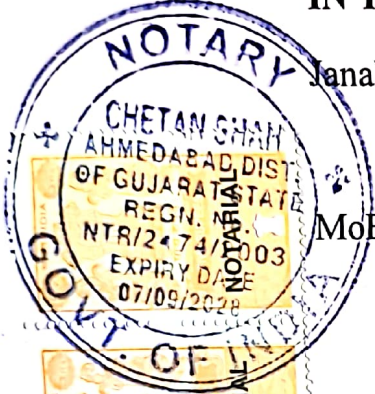
VERIFICATION:-

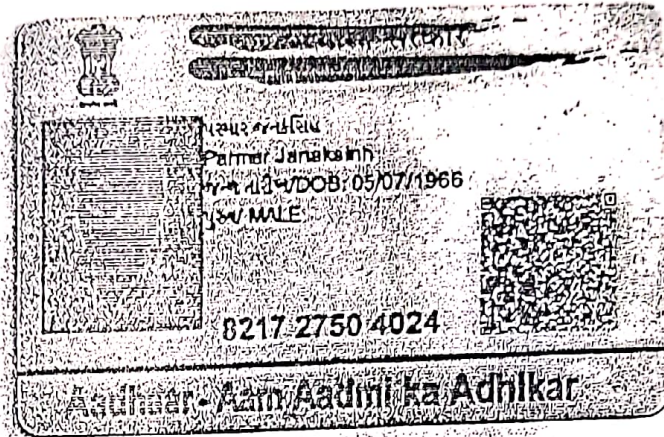
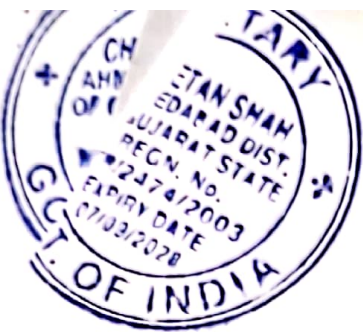
Verified at Ahmedabad on this 19th day of June, 2026, that all the contents of this affidavit are true and correct to the best of my knowledge and nothing has been concealed therefrom.

SOLEMNLY AFFIRMED Deponent
BEFORE ME

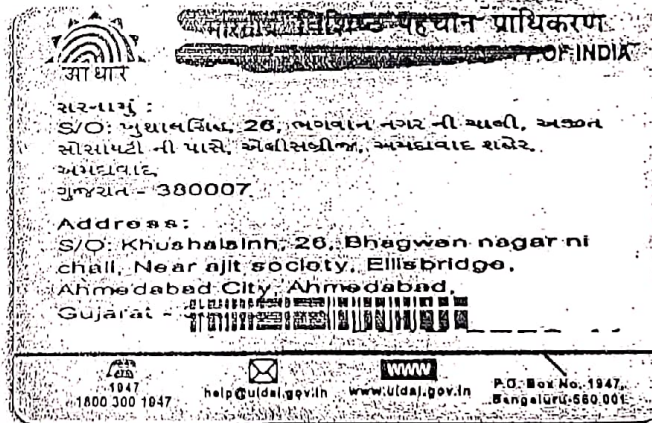
Chetan Shah

CHETAN SHAH
NOTARY
GOVT. OF INDIA
19 JUN 2026





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धारा 173 भारतीय नागरिक सुरक्षा अधिनियम 2023
कार्य नं. 1

प्रथम सूचना प्रतिवेदन (धारा 154 द. प्रक्रिया संहिता के अन्तर्गत) वि.पु.स्था.सी.-II
FIRST INFORMATION REPORT (Under Sec. 154 Cr.P.C.) S.P.E.C.-II
U/S 173 of BNS, 2023

बुक नं.
Book No.

1429

क्रम सं.
Serial No. 019

1. जिला : थाना : वर्ष : प्र.सू.प्र.क्र.
District PS: Year FIR No. दिनांक :
Mumbai CBI, ACB, Mumbai 2025 RC0262025A0027 Date 08/04/2025

2. (1) विधान : IPC धाराएं : 109
Act Sections
PC Act, 1988
(2) विधान (As amended in 2018) धाराएं : 13(2) r/w 13(1)(b) corresponding to Section
Act Sections 13(2) r/w 13(1)(e) of Prevention of Corruption
Act, 1988.
(3) विधान : धाराएं :
Act Sections --
(4) अन्य विधान एवं धाराएं :
Other Acts & Sections --

3. (क) प्रतीत अपराध : Criminal Misconduct by Public Servant by intentionally enriching
(a) Suspected Offence himself illicitly during the period of his office and abetment.

(ख) दिन : दिनांक समय
(b) Day Date Time

From 01.01.2012 to 31.03.2021

(ग) थाने पर सूचना प्राप्त होने का दिनांक
(c) Information received at PS Date --

कायमी अपराध : दिनांक समय
Entry No. 03 Date 08/04/2025 Time 1740 Hrs.

4. सूचना का प्रकार : लिखित/मौखिक
Type of Information Written/Oral Written

5. घटना का स्थान Ahmedabad, (Gujarat) etc.
Place of Occurrence

(क) थाने से दिशा व दूरी :
(a) Direction & Distance from PS --

बीट नं. / Beat No.

2

(ख) पता:
(b) Address

(ग) घटनास्थल अन्य थाना क्षेत्राधिकार में है तो थाना -
(c) In case, outside the limit of this Police Station, then

पुलिस थाना का नाम
Name of PS

जिला
District

6. अभियोगी / सूचनाकर्ता :
Complainant / Informant

(क) नाम
(a) Name **Shri R. D. MEENA**

(ख) पिता / पति का नाम
(b) Father's / Husband's Name

(ग) जन्म तिथि
(c) Date of Birth

(घ) राष्ट्रियता : **Indian**
(d) Nationality

(ड) पासपोर्ट नं. जारी दिनांक जारी होने का स्थान
(e) Passport No Date of Issue Palce of Issue

(च) व्यवसाय
(f) Profession **Service**

(छ) पता - **Inspector of Police, CBI, ACB, Plot No- C-35A,
(g) Address G Block, BKC, Bandra (East), Mumbai**

7. ज्ञात / संदेही / अज्ञात / आरोपी का पूर्ण विवरण:
Details of known / suspected / unknown accused with full particulars
(यदि आवश्यक हो तो अलग से पन्ना संलग्न करें)
(Attached separate sheet, if necessary)

- (1) 1. Shri Rajdeep Singh, IRS (2006), presently posted as Commissioner (Appeals), Unit-9, Mumbai & R/o D-501, Samprat Residence, Shilaj Canal Road, Shilaj, Ahmedabad (Gujarat).
- (2) 2. Smt. Namita Rajdeep Singh, R/a19, Safal Vihaan, Near Shantipura Circle, Eklavya School Road, Moje- Sanand, Ahmedabad (Gujarat).
- (3) 3. Shri Sanjay Vastupal Shah, CA of M/s. Sanjay Vastupal & Company, 503, Shitiratna, Panchwati, C.G. Road, Ahmedabad (Gujarat).
4. Shri Rajesh Brahmhatt of Bsafal Group, an entity of Safal Gladeone Estate, Ahmedabad (Gujarat).
5. Shri Rupesh Brahmhatt of Bsafal Group, an entity of Safal Gladeone Estate, Ahmedabad (Gujarat).
6. Unknown others.

J. B.

3

8. अभियोगी / सूचनाकर्ता द्वारा सूचना दिए जाने में विलंब का कारण :
Reasons for delay in reporting by the complainant / informant

Kept in abeyance due to PI in Lokpal Complaint No. 17/2025.

9. अपहृत / सम्बद्ध सम्पत्ति का पूर्ण विवरण : (यदि आवश्यक हो तो अलग से पन्ना संलग्न करें)
Particulars of properties Stolen (Attach separate sheet, if necessary)

Nil

10. अपहृत / सम्बद्ध सम्पत्ति का कुल मूल्य : N.A.
Total value of property stolen

11. मर्ग / अकाल मृत्यु सूचना क्रमांक : N.A.
Inquest Report / U. D. case No. if any

12. प्रथम सूचना विवरण :- (यदि आवश्यक हो तो अलग से पन्ना संलग्न करें)
First information contents (Attach separate sheet, if required)

A written verification report dated 13.02.2025 has been received from Shri R. D. Meena, PI, CBI, ACB, Mumbai, which is enclosed herewith and reproduced below:

"Dated: 13.02.2025

To,
The Supdt. of Police,
CBI, ACB, Mumbai.

Sub : Verification Report in CO0262025A0004 against Shri Rajdeep Singh, Commissioner of Income Tax, Mumbai-reg. Information as per separate sheet attached.

Sir,

It is submitted that the instant complaint was registered in the Branch on the basis of a communication No. DGIT(V)/WZ/VCR/28/24/2897 dated 29.08.2024 of Shri Adarsh Kumar Modi, DGIT (Vig.), New Delhi addressed to AIG(P), PD, CBI, New Delhi received through CBI ID No.30/1 (JanaksinhKushisinhParmar)/2024/PD(408)/4920 dated 26.09.2024 against Shri Rajdeep Singh, Commissioner of Income Tax, Mumbai on the allegation that Shri Rajdeep Singh while functioning as Public Servant during 2012-2021 has acquired immovable assets in his name and in the name of his wife, which are disproportionate to his known sources of income and thus Shri Rajdeep Singh has prima facie committed gross misconduct by accumulating huge properties in his name and in the name of his family members which are disproportionate to their source of income. Details of four immovable properties and other information were attached with the above complaint.

2. The allegations mentioned in the above mentioned complaint have discretely been verified by the undersigned. During the verification it is revealed that during the period from 01.01.2012 to 31.03.2021, Shri Rajdeep Singh, while posted and functioning as Joint Commissioner of Income Tax, Ahmedabad, Gujarat and also as Additional Commissioner, Range-4(1), Income Tax, Ahmedabad has accumulated movable and immovable assets in his name and in the names of his family members, which are disproportionate to his known sources of income.
3. The verification further revealed that Shri Rajdeep Singh is an IRS officer of 2006 batch-IT department, who had joined service on 29.08.2006 and was posted at Ahmadabad for over 15 years. As per the posting profile of Shri Rajdeep Singh (06003), born on 19.08.1980, he was holding charge of Addl. CIT, Range 4(1), Ahmedabad from 11.09.2019 to 06.11.2020. He was promoted to the rank of Commissioner of Income Tax (Pay Level-14) on 01.01.2024 and vide office order dated 26.02.2024, he was posted as Commissioner (Appeals), Unit-9, Mumbai and presently he is on study leave at abroad.
4. The verification also revealed that Shri Rajdeep Singh is married to Smt. Namita Singh and they have two twin children viz. (i) Master Sehar and (ii) Ms. Mehar Singh (younger daughter), born in the year 2013.
5. Verification has revealed that said Shri Rajdeep Singh, while posted and functioning Income Tax Department, Ahmedabad during the period from 01.01.2012 to 31.03.2021 indulged in corrupt practices in conspiracy with (i) his wife Smt. Namita Rajdeep Singh, (ii) Shri Sanjay Vastupal Shah, CA of M/s. Sanjay Vastupal & Company, 503, Shitiratna, Panchwati, C.G. Road, Ahmedabad, (iii) Shri Rajesh Brahmhatt of Bsafal Group, an entity of Safal Gladeone Estate, Ahmedabad, (iv) Shri Rupesh Brahmhatt of Bsafal Group, an entity of Safal Gladeone Estate, Ahmedabad and unknown others and illicitly enriched himself by way of accumulating disproportionate assets in his name as well as in the names of his family members.
6. Verification further revealed that the above mentioned persons have abated the offence of illicit enrichment committed by said Shri Rajdeep Singh by way of helping said Shri Rajdeep Singh in accommodating his ill-gotten money in investment of immovable properties as well as showing false income of Smt. Namita Singh and their minor children. It is important to mention here that Shri Sanjay Vastupal Shah, CA of M/s. Sanjay Vastupal & Company was practicing in Income Tax Department, where said Shri Rajdeep Singh was working there is apprehension that he might have developed intimacy with said Shri Rajdeep Singh during his practice in his office and would have conspired with said Shri Rajdeep Singh because Late Vastupal I. Shah was at the age of 89 years at the time of registration of properties situated at G-65 to G-68 in Gladeone Golf Project, Ahmedabad and subsequent gift of the same to said Shri Rajdeep Singh within a week of registration of the said property and in such situation it appears that the said properties were purchased by said Shri Rajdeep Singh himself through Late Vastupal I. Shah.
7. Verification also revealed that in furtherance of the said criminal conspiracy, plots of land along with infrastructure/facilities/services/amenities/constructed villa situated at G-65 to G-68 in Gladeone Golf Project, Ahmedabad worth about more than Rs.10.00 crore having plot area of 7041 Sq. Yard and constructed are 723 Mtr. was purchased for a meagre amount of Rs.3.75

crore only vide sale deed No.6194 dated 03.09.2020, registered with SRO, Sanand, Ahmedabad. However for time being the cost of the property is being taken as Rs 3.75 crores (registered value) for calculation of DA. The above property purchased in the names of Late Vastupal I. Shah and Smt. NamitaRajdeep Singh for which an amount of Rs.2.25 crore and Rs.1.50 crore were paid respectively by Late Vastupal I. Shah and Smt. NamitaRajdeep Singh to the Builder M/s. SafalGladeone Estate, Ahmedabad. Further, within a week of registration of the said property, vide a registered WILL dated 08.09.2020, Late Vastupal I. Shah gifted his share in the said property as well as some other costly items like six classic timepieces, gold coins, diamond rings etc. to said Shri Rajdeep Singh.

8. Verification also revealed that during a search proceedings dated 28.09.2021 of Income Tax Department at the premises of M/s. Bsafal Group, evidence of under valuation of sold properties by the partner firm M/s. SafalGladeone Estate (belonging to Shri Rajesh Brahmhatt and Shri RupeshBrahmbhatt) were recovered and seized.

9. Verification further revealed that in conspiracy with others, said Shri Rajdeep Singh has shown inflated rental income from his immovable property at Flat No. D-501, Samprat Residency, Shilaj Gam, Ahmedabad-380054. Likewise, inflated and fake income of Smt. NamitaRajdeep Singh and their minor children namely Master Sehar& Ms. Mehar has been shown in their Income Tax Returns by way of getting transferred money in their respective accounts from various persons/entities during the above period.

10. Due to constraints in discreet verification, the offence related to obtainment of undue advantage could not be verified. The same can be verified during open investigation. However, on the basis of verification it is, prima-facie, revealed that said Shri Rajdeep Singh has illicitly enriched himself during the period from 01.01.2012 to 31.03.2021 of his office. Detailed statements of assets, income and expenditure in the name of Shri Rajdeep Singh and his family members have been prepared on the basis of verification conducted in this regard and the same are enclosed herewith as **Annexure-1**.

11. Thus, the calculation of disproportionate assets acquired by Shri Rajdeep Singh in his name as well as in the names of his family members including Smt. Namita Singh is as under :-

Calculation of Disproportionate Assets	
Assets at the beginning of Check Period (A)	Rs.6,62,168/-
Assets at the end of check period (B)	Rs.5,22,83,573/-
Income during check period (C)	Rs.4,75,12,145/-
Expenditure during check period (D)	Rs.3,81,86,086/-
Assets acquired during check period (B-A)	Rs. 5,16,21,405/-
Likely Savings (Income - Expenditure)	Rs.93,26,059/-
DA (B-A) - (C-D)	Rs.4,22,95,346/-
% of Disproportionate Assets	89%

12. The verification further discloses that during the check period from 01.01.2012 to 31.03.2021, said Shri Rajdeep Singh, while posted and functioning as above, has acquired

assets in the form of immovable properties, movable properties worth Rs.5,22,83,573/- in his own name and in the names of his family members as on 31.03.2021 including assets worth Rs.6,62,168/- as on 01.01.2012. During the said check period, said Shri Rajdeep Singh has income of Rs.4,75,12,145/- from all known sources and during the said period, he incurred an expenditure to the tune of Rs.3,81,86,086/- against likely savings of Rs.93,26,059/-. Thus, said Shri Rajdeep Singh was found in possession of disproportionate assets to the tune of Rs.4,22,95,346/- (89%).

13. Therefore, it is, prima-facie, established that during the period from 01.01.2012 to 31.03.2021, said Shri Rajdeep Singh, being a public servant, abused his official position and committed the offence punishable U/s. 13(2) r/w 13(1)(b) of the PC Act, 1988 (as amended in 2018) corresponding to Section 13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988 by amassing assets disproportionate to his known sources of income. Smt. Namita Rajdeep Singh, Shri Sanjay Vastupal Shah, Shri Rajesh Brahmhatt and Shri Rupesh Brahmhatt and unknown others abetted the offence punishable U/s. 13(2) r/w 13(1) (b) of Prevention of Corruption Act, 1988 corresponding to Section 13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988 by acquiring assets for and on behalf of Shri Rajdeep Singh without having any independent source of income or by way of accommodating illicitly earned money of said Shri Rajdeep Singh. Moreover, most of the assets acquired/disposed of by Shri Rajdeep Singh were not intimated to the department under the required Conduct Rules applicable to him being a public servant.

14. The above acts of omission and commission on the part of said Shri Rajdeep Singh, Commissioner of Income Tax (Appeals), Unit-9, Mumbai disclose commission of cognizable offence punishable U/s. 13(2) r/w 13(1)(b) of the PC Act, 1988 (as amended in 2018) corresponding to Section 13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988 and U/s. 109 IPC r/w Section 13(2) r/w 13(1)(b) of the PC Act, 1988 (as amended in 2018) corresponding to Section 13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988 on the part of Smt. Namita Rajdeep Singh, Shri Sanjay Vastupal Shah, Shri Rajesh Brahmhatt and Shri Rupesh Brahmhatt and unknown others, who abetted the commission of the above offence.

15. There is every possibility that assets and expenditure of said Shri Rajdeep Singh will increase on various counts viz. use of telephone(s)/mobile Phone(s), medical expenses, electricity charges, pleasure trips, payments through credit cards, maintenance and insurance etc. during open investigation.

16. It is, therefore, recommended that a Regular Case may be registered against said Shri Rajdeep Singh, Commissioner of Income Tax (Appeals), Unit-9, Mumbai and against Smt. Namita Rajdeep Singh, Shri Sanjay Vastupal Shah, Shri Rajesh Brahmhatt and Shri Rupesh Brahmhatt and unknown others under the above mentioned sections of law.

Encls.: As above.

Yours Sincerely,

Sd/- 13-02-2025

(R. D. Meena),
Inspector of Police,
CBI, ACB, Mumbai"

The above information discloses commission of offences punishable under the above mentioned sections of law on the part of said Shri Rajdeep Singh, Commissioner of Income Tax (Appeals), Unit-9, Mumbai and on the part of Smt. Namita Rajdeep Singh, Shri Sanjay Vastupal Shah, Shri Rajesh Brahmbhatt and Shri Rupesh Brahmbhatt and unknown others.

Therefore, a Regular Case is registered against Shri Rajdeep Singh U/s. 13(2) r/w 13(1)(b) of the PC Act, 1988 (as amended in 2018) corresponding to Section 13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988 and said Smt. Namita Rajdeep Singh, Shri Sanjay Vastupal Shah, Shri Rajesh Brahmbhatt and Shri Rupesh Brahmbhatt and unknown others U/s. 109 IPC r/w Section 13(2) r/w 13(1)(b) of the PC Act, 1988 (as amended in 2018) corresponding to Section 13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988 for abetment of offence and investigation of the case is entrusted to Shri Jyoti Prabhakar, DSP, CBI, ACB, Mumbai for investigation.



(P. Krishnakant, IPS)
SP CBI ACB Mumbai

13. कार्यवाही जो की गई : चूँकि उपरोक्त विवरण क्रमांक लिखित धारा (ओ) के अंतर्गत घटने वाले अपराध को उद्घाटित करता है।

Action taken : Since the above information reveals commission of offence(s) u/s as mentioned at Item no. 2

- (1) मामला पंजीकृत किया गया एवं जांच प्रारम्भ हुआ अथवा

Registered the case and took up the investigation or

A Regular Case is registered and entrusted to Shri Jyoti Prabhakar, DSP, CBI, ACB, Mumbai for investigation

- (2) निर्देशित (जांच अधिकारी का नाम)

Directed (Name of IO)

रैंक

Rank

नं.

No.

जांच हेतु लिया गया

Took up for investigation

Shri. Jyoti Prabhakar

**Dy. Supdt. of Police
CBI : ACB : Mumbai**

Yes

- (3) कारण से जांच के नामजूर

Refused investigation due to

अथवा

or

- (4) पुलिस थाना को स्थानांतरित किया गया

Transferred to PS

जिला

District

क्षेत्राधिकार के आधार पर

on point of jurisdiction

अभियोगी / सूचनाकर्ता को प्र.सू. पत्र पढ़ाकर / पढ़कर सुनाया गया, जिन्होंने सही-सही अभिलिखित होना स्वाकार किया। इसकी एक प्रति अभियोगी / सूचनाकर्ता को निःशुल्क प्रदान की गई।

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

पढ़ कर सुनाया व सही स्वीकृत होना पाया।

R. O. A. C.

14. अभियोगी / सूचनाकर्ता के हस्ताक्षर
Signature / Thumb impression
of the complainant/informant

थाना अधिकारी के हस्ताक्षर
Signature of Officer in-charge

Police Station

नाम / Name

(पद) / Rank

(P. Krishnakant, IPS)

SP CBI ACB Mumbai

No.

15. न्यायालय को भेजने का दिनांक एवं समय
Date and time of despatch to the court

(प्रभारी अधिकारी के हस्ताक्षर तारीख सहित)

Signature of recording Officer with date

प्रथम सूचना रिपोर्ट का आइटम 7 लगाएं

Attachment to item 7 of First Information Report

संदिग्ध व्यक्ति की शारीरिक विशेषताएं, विरुपता तथा अन्य विवरण :-

Physical features, deformities and other details of the suspect/accused : (If known / seen)

क्र.सं. Sl. No.	* लिंग (Sex)	* जन्म की तारीख / वर्ष Date/ year of Birth	* शारीरिक गठन (Built)	* ऊंचाई से. मी. में (Height) (in Cms)	* वर्ण (Complexion)	* पहचान चिन्ह (Identification Mark/s)
1	2	3	4	5	6	7

विरुपता/विलक्षणता (Deformities peculiarities)	दांत (Teeth)	बाल (Hair)	आँख (Eye)	आदतें (Habits)	पहनावा (Dress habit/s)
8	9	10	11	12	13

भाषा / बोली (Language / Dialect)	स्थान / Palce of				
	जले का निशान (Burn mark)	श्वेत कुष्ठ (Leucoderma)	तिल (Mole)	जखम चिन्ह (Scar)	गोदना (Tattoo)
14	15	16	17	18	19

अभियोगी / सूचनाकर्ता, द्वारा संदिग्ध / अभियुक्त के बारे में एक या अधिक विवरण दिए जाने पर ही इसमें प्रविष्टि की जाए।

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.

[Handwritten signature]

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CRIMINAL APPLICATION NO. 9077 of 2016**

=====

JANAKSINH KUSHALSINH PARMAR

Versus
STATE OF GUJARAT

=====

Appearance:

VISHAL K ANANDJIWALA(7798) for the PETITIONER(s) No. 1
NOTICE NOT RECD BACK(3) for the RESPONDENT(s) No. 2,3
NOTICE SERVED(4) for the RESPONDENT(s) No. 2,3
MR RUTVIJ OZA, LD.APP(2) for the RESPONDENT(s) No. 1

=====

CORAM: HONOURABLE MR.JUSTICE A.J.DESAI

Date : 15/03/2018

ORAL ORDER

1. Rule. Learned Additional Public Prosecutor waives service of rule on behalf of respondents.

2. I have heard Mr.Vishal K. Anandjiwala, learned advocate appearing for the petitioner and Mr. Rutvij Oza, learned Additional Public Prosecutor appearing for the respondents.

3. By way of the present application, the petitioner has challenged closure report dated 5.3.2016 issued by Police Inspector, Naranpura Police Station, Ahmedabad and closure report dated 24.05.2016 submitted by Police Sub Inspector, Naranpura Police Station, Ahmedabad.

4. The grievance of the petitioner herein is that after making various application to various authorities since 2014, against the builder of 'B' Safal Group and responsible / concerned Officers of Ahmedabad Municipal Corporation for preparing fabricated documents, forgery, cheating, misappropriation and

criminal breach of trust. The grievance of the petitioner is that despite detained report submitted by vigilance department of Municipal Corporation dated 29/6/2016 wherein it was opined that serious irregularities and illegalities were committed. Number of documents have been forged and fabricated and the flats were allotted to the persons who were never the occupants of Lakhudi Talav Hutment area. It is further observed in the said report that alleged irregularities and illegalities are as follows:

Sr.No.	Particulars	Total Numbers
1	Total number of flats/ shops constructed	568
2	Locked flats/ shops	108
3	Rented flats	157
4	Inter-se transfer of the property by occupant	155
5	Original occupants as per draw	148

As per the aforesaid report, approximately 420 flats have been allotted to the persons, who were never the occupants of the said property.

5. It is further the case of the petitioner that after Vigilant Department of Municipal Corporation submitted the report opining serious irregularities and illegalities, CAG (Comptroller and Auditor General of India) has published its annual report for the Financial Year 2015-16 that serious irregularities have been committed by the builder of B Safal Group.

6. I have gone through the impugned communications. I have also gone through the Vigilance Report and CAG Report. It appears from the report that the Investigating Agency has not followed the directions issued by the Hon'ble Supreme Court in the case of **State of Telengana v. Habib Abdullah Jeelani and others, 2017 (2) SCC 779**.

7. The Hon'ble Supreme Court in the case of State of Telengana v. Habib Abdullah Jeelani and others (Supra) held that if the information received does not disclose a cognizable offence but indicates necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not. In the said decision, the Hon'ble Supreme Court has considered the judgement delivered in the case of Lalita Kumari v. Government of Uttar Pradesh and others, (2014) 2 SCC 1 and has held that if the cognizable offence is made out, other consideration required for registration of FIR, whether the information is falsely given; whether the information is genuine, whether the information is credible, etc. are not relevant and, therefore, police authority ought to have register the FIR.

8. In the case of **State of Telangana V/s. Habib Abdullah Jeelani and others** (supra), the Hon'ble Apex Court in para No.8 observed as under :-

“The exceptions that were carved out pertain to medical negligence cases as has been stated in Jacob Mathew v. State of Punjab. The Court also referred to the authorities in P. Sirajuddin V. State of Madras and CBI V. Tapan Kumar Singh and finally held that what is necessary is only that the information given to the police must disclose the commission of a cognizable offence. In such a situation, registration of an FIR is mandatory. However, if no cognizable offence is made out in the information given, then the FIR need not be registered immediately and perhaps the police can conduct a sort of preliminary verification or inquiry for the limited purpose of ascertaining as to whether a cognizable offence has been

committed. But, if the information given clearly mentions the commission of cognizable offence, there is no other option but to register an FIR forthwith. Other considerations are not relevant at the stage of registration of FIR, such as, whether the information is genuine, whether the information is credible, etc. At the stage of registration of FIR, what is to be seen is merely whether the information given *ex facie* discloses the commission of a cognizable offence."

9. Considering the above observations of the Hon'ble Supreme Court, in my opinion, the decisions rendered by the Hon'ble Supreme Court, referred herein above, are applicable to the facts of the present case. Hence, the present petition stands allowed. The impugned communication / closure reports dated 05/03/2016 and 24/05/2016 issued by the concerned authority is hereby quashed and set aside.

The concerned Police Authority is hereby directed to **strictly follow** the directions issued by the Hon'ble Supreme Court in the case of **State of Telengana v. Habib Abdullah Jeelani and others** (Supra) as well as the observations made in the order dated 9.8.2017 passed by this Court in Special Criminal Application No.4906 of 2017 and carry out the investigation afresh and immediately register the FIR and start with the investigation in accordance with law, if the preliminary inquiry reveals a *prima facie* case disclosing a cognizable offence.

It is needless to say that this Court has not opined about commission of alleged offences and, therefore, it would be

open for the suspects or those persons, who may be made an accused in the FIR, to file an application u/s.438 or Section 439 of the Code of Criminal Procedure or to file appropriate proceedings before appropriate Court including an application u/s.482 of the Code of Criminal Procedure and/ or any petition under Article 226 of the Constitution of India. Rule is made absolute to the aforesaid extent.

Direct service is permitted.

[A.J.DESAI, J.]

*dipti