

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO -19 OF 2019

IN THE MATTER OF:

Kalinga Nagar Paribesh Surakhya Samiti - -- Applicant

Verses

Member Secretary, Odisha State Pollution Control Board, & others

Respondents

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DATE: 02/09/2023 Cell-9437279278

SANKAR PRASAD PANI



ADVOCATE,

Plot No 2132/4814, NageswarTangi, Bhubaneswar 751002, sankarprasadpani@gmail.com

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SUPPLIMENTARY AFFIDAVIT ON BEHALF OF APPLICANT

I, Aswini Kumar Dhal S/o Amulya Kumar Dhal aged about 36 years, At/po- Jakhapura, Via- Dangadi Dist-Jajpur, Odisha -755026, do hereby solemnly affirm and declare as under:

1. That I am the President of the Applicant Organisation in the abovementioned Application and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. M/s VISA Steel Ltd. has set up an Integrated Steel Plant by installing Rolling Mill (1.5 MTPA rolled products) and Captive Power Plant (256 MW) at Kalinganagar Industrial Complex. **Total 486 ha. land** has been acquired from Industrial Infrastructure Development Corporation (IDCO), Govt. of Orissa at Kalinganagar Industrial Complex and environment clearance has been granted by the Ministry vide letter no. J-11011/33/2007-IA.II (I) dated 12th June, 2007. The EC letter clearly specifies that the plant will operate in Zero Discharge condition.

3. Subsequently, State Pollution Control Board, Odisha has granted separate Consent to Operate each of the units such as steel unit, coke oven and ferro alloy unit and under special condition SPCB had stipulated that under no circumstances the process waste water shall be allowed to be discharged to outside
4. That the promoters/directors of VISA group of companies and it's 12 associate companies including VISA Steel and VISA Coke, have been booked for fraud and cheating the Banks and there by the conduct of the companies and it's directors are questionable. The companies can do anything for money including the putting the life of surrounding population into danger for shake of profit and continuously discharging untreated water to Gandanalla and Brahmani River since 2015 as per the record available and referred in this Original Application.
5. That recently the Central Beauru of India had registered a case against the promoters/Chairman of the VISA Group of companies on 18/08/2023. The FIR was lodged by the Punjab National Bank on behalf of itself and other consortium member banks **for alleged fraud by siphoning and diversion of funds, criminal misappropriation, criminal breach of trust and cheating thereby causing loss to public money to the tune of more than Rs. 1964 Crores.** M/s Visa Power Ltd CIN:U40101WB2005PLC105797 is a wholly owned subsidiary of M/s Visa Energy Ventures Ltd, which is a wholly owned subsidiary of M/s Visa Infrastructure Ltd and developing a domestic coal based thermal power project with a generation capacity of **1200MW at Raigarh, Chatisgarh.** The company having it's **Chairman Shri Vishambaran Saran DIN-00121501 residing at Visa House, 10" Floor 8/10 Alipore Road Kolkata-700027, Chairman & Managing Director Shri Vikas Agarwal DIN-00352778, At-Visa**

House, 10th Floor, 8/10 Alipore Road Kolkata- 700027 and Joint Managing Director Shri Subrato Trivedi, DIN-01144935, A1-17A, Tower -3, South City Prince Anwar Shah Road, Kolkata- 700068. The borrower company M/s Visa Power, represented by its directors, **Shri Shri Vishambar Saran, Shri Vikas Agarwal & Shri Subrato Trivedi** had approached Station Square Branch, Bhubaneswar of the complainant Bank for a financial facility and presented financials and projections of the company to the Bank and sought financial assistance and caused the bank to believe that with the said loan limit the business of the company would grow. The project was to be executed in two phases of 600 MW each. The phase I has been financed through a consortium of 14 lenders with PNB as the lead bank involving TL limit of **Rs.1964 Crore** (Rs.394 Crore sanctioned by PNB) Apart from Visa Power Ltd there are (3) **three other associate companies namely 1) Visa Resources Ltd -CIN U52110WB2006PLC111091 2) Visa Steel Ltd CIN:L511090R1996PLC004601 & 3) Visa Bao Ltd which have also availed credit facilities** from the bank where balance outstanding in the accounts of each company are as under:

- 1) Visa Resources Ltd. balance out standing Rs.112,69,26,162.00
- 2) **Visa Steel Ltd. balance out standing Rs.443,76,45,887.00**
- 3) Visa Bao Ltd with balance out standing Rs.83, 23, 55, 845.00 has been merged with Visa Steel Ltd. (Excluding Interest & Charges after NPA). Apart from the above three companies the accused company has following eight (8) associate/sister companies. Findings of the forensic auditor disclosed following fraudulent transactions Apart from the above, VPL had entered into a rent agreement at 01.02.2011 with Visa Infrastructure Ltd (VIL a related entity of VPL) for the lease of building at 8/10 Alipore Road. Kolkata. As per deed VPL had obtained four floors ie. 2 46 & 8 floor for office premises at Visa House. As per

clause 2 & 5 of the deed, VPL has to pay a monthly lease rent of Rs. 304791.00 and monthly charges of Rs 380989.00 for common area facilities which comes to Rs.685780 00 Further a security deposit of INR 25 Crore was paid by VPL which was refundable on vacation of the office premises. VPL has incurred expenses aggregating to INR 17.05 Crore for furnishing the office premises in Visa house in FY 2011-12. The rental agreement was subsequently amended by VIL on August 08, 2011 by virtue of which VPL relinquished it's rights to the following Claim or takeaway the furniture lying within the premises. Claim refund of the security deposit or any part thereof prior to the completion of rental tenure of 10 years as per the deed. The payment of Rs 26 Crore as security to VIL which was against the prevalent practice of deposit of 3-6 months monthly rent. The security deposit of Rs 26 Crore was approximately 63 times of rent equivalent of 6 months i.e Rs 4114580 00 (Rs 685780.00 per month multiply by 6) which appears higher than the prevalent market practice based on prevailing market rate. This nature of transaction explicitly indicates that the company **M/s Visa Power Ltd has defrauded the creditors by diverting public money thereby committing criminal breach of trust and criminal misappropriation**

6. Visa Power Ltd had awarded 02 contracts to VRL on 07 February 2012 for construction of hostel cum residential colony at their super thermal power plant site at Raigarh, Chattisgarh and approach road to the plant connecting national highway. The initial contract amounting to Rs.34.47 Crores for the field hostel was agreed on 05 December 2011 and the same contract was revised on 06 February 2012 with a revised price of Rs 54 93 Crores which indicates diversion of funds and criminal misappropriation

7. A comparison of the payment terms of the contracts awarded by VPL to its related parties (i.e. Visa Reality Ltd) and with the contracts awarded to other non-related parties (e.g. Larsen & Toubro Ltd, BHEL TATA Project Ltd, KEC International Ltd and VNR Infrastructures Ltd) during the same period it is observed that capital advances to related entities (i.e. VRL) was 95% of the total contract value while the advances to non-related entities were in the range of 10% to 45% during the same period.
8. It is also observed from the audited financial statements of Visa Power Ltd (VPL), a sum of Rs.60.08 Crores and Rs.15.60 Crores has been paid by VPL to VRL as capital advance in the FY 2011-12 and FY 2012-13 respectively. Such capital advance has been utilized by VRL for buying equity and preference shares in the related parties of VRL and VPL (Be. Visa Minmetal Ltd). The nature of transaction indicates that the accused company **intending to misappropriate the bank money has diverted the fund** in view of facts and circumstances it is clear that the **accused persons have jointly hatched conspiracy against Public Sector Banks with intent to cheat Bank by diverting/siphoning of money committed various offences under relevant provisions of IPC. A copy of FIR dated 18/08/2023 is annexed here with as ANNEXURE-1**
9. The applicant society has been continuously bringing to the Notice of State Pollution Control Board and Central Pollution Control Board through whatsapp and Email providing the video evidences of the water quality and the quantum of water being discharged to outside by the Unit. The copy of email communicated to authorities including MOEFCC and SPCB dated 18/08, 19/08/, 23/08, 24/08, 26/08, 29/08, 2/09/2023 along with photographic evidences of discharge of untreated water to outside by VISA Steel in violation of Zero liquid discharge

condition. The photographs also suggest the discharge of water from unauthorized outlets in the wall of the VISA steel Boundary, which is also a violation as because no CTO has been there for such outlet. Copy of Emails along with photographs are annexed here with as ANNEXURE-2

10. That the continuous discharge of untreated water to outside in 8 different places though the EC condition specifies the plant needs to be a Zero Liquid Discharge and same is in violation of Water Prevention and Control of Act 1974 as the same outlets are not permitted. Despite of knowledge, the Regional Officer, SPCB, Kalinganagar is allowing the unit to operate in violation of EC conditions.. Copy of Revenue Inspector Report dated 31/07/2020 is annexed here unto as **ANNEXURE-4**

11. Section24. Prohibition on use of stream or well for disposal of polluting matter, etc.—(1) Subject to the provisions of this section,— (a) no person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any 3 [stream or well or sewer or on land]; or (b) no person shall knowingly cause or permit to enter into any stream any other matter which may tend, either directly or in combination with similar matters, to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences.

Section 25. Restrictions on new outlets and new discharges.—4 [(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board,— (a) establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, which is

likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage); or (b) bring into use any new or altered outlet for the discharge of sewage; or (c) begin to make any new discharge of sewage:

Section 33. Power of Board to make application to courts for restraining apprehended pollution of water in streams or wells.—4

[(1) Where it is apprehended by a Board that the water in any stream or well is likely to be polluted by reason of the disposal or likely disposal of any matter in such stream or well or in any sewer or on any land, or otherwise, the Board may make an application to a court, not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class, for restraining the person who is likely to cause such pollution from so causing.] (2) On receipt of an application under sub-section (1) the court may make such order as it deems fit. (3) Where under sub-section (2) the court makes an order restraining any person from polluting the water in any stream or well, it may in that order— (i) direct the person who is likely to cause or has caused the pollution of the water in the stream or well, to desist from taking such action as is likely to cause pollution or, as the case may be, to remove from such stream or well, such matter, and (ii) authorise the Board, if the direction under clause (i) (being a direction for the removal of any matter from such stream or well) is not complied with by the person to whom such direction is issued, to undertake the removal and disposal of the matter in such manner as may be specified by the court. (4) All expenses incurred by the Board in removing any matter in pursuance of the authorisation under clause (ii) of sub-section (3) or in the disposal of any such matter may be defrayed out of any money obtained by the Board from such disposal and any balance outstanding shall be

recoverable from the person concerned as arrears of land revenue or of public demand.

33A. Power to give directions.—Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions. Explanation.—For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct— (a) the closure, prohibition or regulation of any industry, operation or process; or (b) the stoppage or regulation of supply of electricity, water or any other service.]

12. Section 41. Failure to comply with directions under sub-section (2) or sub-section (3) of section 20, or orders issued under clause (c) of sub-section (1) of section 32 or directions issued under sub-section (2) of section 33 or section 33A.—(1) Whoever fails to comply with the direction given under sub-section (2) or sub-section (3) of section 20 within such time as may be specified in the direction shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure. (2) Whoever fails to comply with any order issued under clause (c) of sub-section (1) of section 32 or any direction issued by a court under sub-section (2) of section 33 or any direction issued under section 33A shall, in respect of each such failure and on conviction, be

punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure. (3) If the failure referred to in sub-section (2) **continues beyond a period of one year after the date of conviction, the offender shall, on conviction, be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.]**

13. That Section 44 of Water Act prescribes Penalty for contravention of section 25 or section 26.—Whoever contravenes the provisions of section 25 or section 26 shall be punishable with imprisonment for a term **which shall not be less than 1[one year and six months] but which may extend to six years and with fine.**

14. That section 47 of Water Act 1974 prescribes punishment for Offences by Companies.

(1) Where an offence under this Act has been committed by a company, **every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offences and shall be liable to be proceeded against and punished accordingly :**

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the **offence has been committed with the consent or**

connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such **director, manager**, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation: For the purposes of this section -

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

15. Section 49. Cognizance of offences.—1 [(1) No court shall take cognizance of any offence under this Act except on a complaint made by— (a) a Board or any officer authorised in this behalf by it; or (b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Board or officer authorised as aforesaid, and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.] 2 [(2) Where a complaint has been made under clause (b) of subsection (1), the Board shall, on demand by such person, make available the relevant reports in its possession to that person: Provided that the Board may refuse to make any such report available to such person if the same is, in its opinion, against the public interest.] 3 [(3)] Notwithstanding anything contained in 4 [section 29 of the Code of Criminal Procedure, 1973 (2 of 1974)], it shall be lawful for any [Judicial Magistrate of the first class or for any Metropolitan Magistrate] to pass a sentence of imprisonment for a term exceeding two years or of fine exceeding two thousand rupees on any person convicted of an offence punishable under this Act.

- 16. That apart from the owners of the company namely Shri Vishambar Saran, Shri Vikas Agarwal & Shri Subrato Trivedi who have named in the FIR of CBI as accused in Fraud and Cheating, **Mr Manoj Kumar** is the whole time director responsible for the operation of the VISA Steel Unit at Kalinganagar and the pollution control board should have filed Criminal Prosecution against the Directors of VISA Steel Ltd.**
17. That despite of the penal provisions laid down in the act and the state pollution control board authorized to file complaint in the appropriate court, no action has been taken as on date, there by the officers of the Board are abdicating their responsibilities and allowing the company to continue with the pollution and violation of law.
18. Similarly the MOEFCC who granted environment clearance also failed to act against the erring company for violation of Environment clearance Conditions under Section 19 of Environment Protection Act 1986. In case of violations of EP Act 1986, the District Collector Jajpur is the competent authority to file complaint before the competent court and no action has been taken as on date.
19. It is not out of place to mention here that the unit is discharging the process water to outside as on date in violation of the Supreme Court Order dated 22nd February 2017 in Paryavan Surakshya Samiti Case where the unit discharging process/untreated water to be closed down if no corrective/remedial measures are taken within three month from the order and in that case this unit is operating for more than five years in violation of the Apex court order.

It appears the consent has been renewed for some extraneous consideration and in contradiction to the environmental norms and practices. Further inquiry against the officer concerned responsible for

renewal of the CTO may be conducted by independent agency and thereafter appropriate action may be taken against the delinquent officers.

20. That in the interest of justice, the documents along with affidavit is essential to be brought on record, hence the applicant prays for appropriate order.

APPLICANT THROUGH

A handwritten signature in cursive script, appearing to read "S. Panu", with a horizontal line drawn underneath it.

ADVOCATE

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EASTERN ZONE BENCH, KOLKATA

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Kalinga Nagar Paribesh Surakhya Samiti - -- Applicant

Verses

Member Secretary, Odisha State Pollution Control Board,

& others ---

Respondents

AFFIDAVIT

I, Aswini Kumar Dhal S/o Amulya Kumar Dhal aged about 39 years At/PO/PS Jakhapura, Dist - Jajpur, Odisha, do hereby solemnly affirm and declare as under:

1. That I am the President of the Applicant Organisation in the abovementioned Application
2. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this Supplementary Affidavit.

Aswini Kumar Dhal

DEPONENT
KALINGANAGAR PARIBESA
SURAKSHYA SAMITI

VERIFICATION

I, verify that the contents of the Affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from. Verified at Bhubaneswar on 02.9.2023

Aswini Kumar Dhal
VERIFICANT

KALINGANAGAR PARIBESA
SURAKSHYA SAMITI

Authorised Signatory

The above named Deponent / Executant being identified by Sd/- Advocate appears before me on Dt. 02/9/23 at about 10.05 AM/PM and on oath states that the above facts are true to the best of his/her knowledge and belief

L. KJANR NOTARY PUBLIC, JAJPUR ROAD



(Under Section 154 Cr.P.C.)

1. **District:** Kolkata **PS:** BS&FB Kolkata
Year: 2023
FIR No.: **Date:** 18/08/2023

2. **Acts & Sections:**

Acts	Sections	R/W Section
IPC	120(B)	
IPC	409	
IPC	420	
IPC	477A	
PC Act-1988	13(2) r/w 13(1)(d)	

3. **Suspected offences:**

Bank Fraud

(a) **Occurrence of offence:****Day:****From Date:**

2011

Time Period:**To Date:** 2017(b) **Information Received at PS:****Date:**

18/06/2021

(c) **General Diary Reference:****Entry No.:**

03

Date:

19/08/2023

Time: 15:09:004. **Type of Information:** Written5. **Place of Occurrence:**

Punjab National Bank, Station Square, Bhubaneswar, Odisha

(a) **Direction & distance from PS:**

568 Kms towards west

Beat No.:(b) **Address:****Plot No.:**

Punjab National Bank, Station Square Bhubaneswar

Area:**City:**

Bhubaneswar

Pin:

751001

State:

Odisha

District:

Khordha

(c) **In case, outside the limit of this Police Station, then****Name of PS:****District:**6. **Complainant / Informant:****Complainant 1**(a) **Name:**

Mr. PARESH KUMAR DAS

(b) **Father's/Husband's Name:**

NITYA NANDA DAS

(c) **Date/Year of Birth:**

1957

(d) **Nationality:**

INDIAN

(e) **Passport:**

Passport No.	Date Of Issue	Place Of Issue
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(f) **Occupation:**

CIRCLE HEAD, PNB, BHUBANESHWAR

(g) **Address:**

Plot No	Area	City	State	District	Pin
PUNJAB NATIONAL BANK, CIRCLE OFFICE	4TH FLOOR, DEEN DAYAL BHAWAN, JANPATH, ASHOK NAGAR, BHUBANESHWAR	BHUBANESHWAR	Odisha	Khordha	751009

7. **Details of known/suspected/unknown accused with full particulars:**

This complainant has the authorization from the MD & CEO of our bank, the competent authority.

I, Shri Paresh Kumar Das, S/o. Nitya Nanda Das, aged about 55 years, presently working at Punjab National Bank, Circle Office, Bhubaneswar-751009, as Circle Head, holding a valid General Power of Attorney from Punjab National Bank, being fully conversant with the facts and circumstances of commission of offence in the captioned account and authorized by the Bank to lodge this FIR, would like to bring to your kind attention the following facts.

This FIR being lodged by the Punjab National Bank on behalf of itself and other consortium member banks for alleged fraud by siphoning and diversion of funds, criminal misappropriation, criminal breach of trust and cheating thereby causing loss to public money to the tune of Rs.1964 crores.

This complainant has authorization from the competent authority, i.e., MD & CEO of Bank.

M/s Visa Power Ltd. CIN: U4010WB2005PLC105797 is a wholly owned subsidiary of M/s Visa Energy Ventures Ltd., which is a wholly owned subsidiary of M/s. Visa Infrastructure and developing a domestic coal based thermal power project with a generation capacity of 1200 MW at Raigarh, Chhattisgarh. The company having its Chairman Shri Vishambaran Saran, DIN No- 00121501 residing at Visa House, 1th Floor, 8/10 Alipore Road, Kolkata-700027, Chairman & Managing Director Shri Vikas Agarwal DIN-00352778, At Visa House, 10th Floor, 8/10th Alipore Road, Kolkata-700027 and Joint Managing Director Shri Subrato Trivedi, DIN-01144935, At 17A, Tower-3 South City, Prince Anwar Shah Road, Kolkata-700068. The borrower company M/s Visa Power represented by its Directors, Shri Vishambar Saran, Shri Vikas Agarwal & Shri Subrato Trivedi had approached Station Square branch, Bhubaneswar of the complainant Bank for a financial facility and presented financials and projections of the company to the Bank and sought financial assistance and caused the bank to believe that with this said loan limit the business of the company would grow. The project was to be executed in two phases of 5600 MW each. The phase I has been financed through a consortium of 14 lenders with PNB as the lead bank involving TL limit of Rs.1964 crores (Rs.394 sanctioned by PNB).

Apart from Visa Power Ltd. There are (3) three other associate companies namely 1) Visa Resources Ltd.-CIN:U52110WB2006PLC111091, 2) Visa Steel Ltd.-CIN:L51109R1996PLC004601 & 3) Visa Bao Ltd. which have also availed credit facilities from the bank where balance outstanding in the accounts of each company are as under:

1. Visa Resources Ltd. balance outstanding	Rs.112,69,26,162.00
2. Visa Steel Ltd. balance outstanding	Rs.443,76,45,887.00
3. Visa Bao Ltd. With balance outstanding Charges after NPA).	Rs.83,23,55,845.00 has been merged with Visa Steel Ltd. (Excluding interest &

Apart from the above three companies the accused company has following eight (8) associate/sister companies namely.

Details of Associate Concern			
Name of Perpetrator(Suspected/Actual)**	Name of the Associate Concern**	PAN Associate Concern**	Associate Concern Address**
Visa Power Ltd.	Visa Infrastructure Ltd.	Not available	Not available
	Visa Reality Ltd.	Not available	Not available
	Visa Power Trading Company Ltd.	Not available	Not available
	Visa Resources India Ltd.	Not available	At- VISA HOUSE, 8/10, Alipore Road, Kolkata-700027
	Visa Steels Ltd.	Not available	At- VISA HOUSE, 8/10, Alipore Road, Kolkata-700027
	Visa International Ltd.	Not available	HUL Building, 2 nd floor, 9 Shakespeare Sanari, Kolkata-700071
	Visa Suncoke	Not available	Not available
	Visa Energy Ventures Ltd.		Not available

Legal proceedings, i.e., insolvency proceeding before NCLT has been initialled in the account subsequent to classification of the account as Non-Performing Asset.

Details of the facilities advanced by different lenders are as follows:

Sl No.	Name of the Bank	Branch Address	Sanctioned Amount in Crore Rupees
1	Punjab National Bank	BO: Station Square, Bhubaneswar	394
2	Bank of India	BO: B.T.M Sarani, Kolkata	190
3	UCO Bank	BO: Netaji Subhas Road, Kolkata	190
4	Bank of Baroda	BO: India Exchange Place Kolkata	190
5	Union Bank of India	BO: Camac Street, Kolkata	145
6	Erstwhile United Bank of India (Now PNB)	BO: Bijili Office Chowk, Raipur	95
7	Erstwhile Andhra Bank (Now Union Bank of India)	BO: Chowringhee Road, Kolkata	95
8	Bank of Maharashtra	BO: N.S Road, Kolkata	95
9	Erstwhile Oriental Bank of Commerce (Now PNB)	BO: Park Street Kolkata	95
10	Erstwhile State Bank of Bikaner and Jaipur	BO: N.S Road Branch	95
11	Erstwhile State bank of Mysore (Now State bank of India)	BO: Tobacco House	95
12	Erstwhile State Bank of Patiala (Now SBI)	BO: Camac Street, Kolkata	95
13	Erstwhile State Bank of Travancore (Now SBI)	BO: Chowringhee Road,	95
14	Central Bank of India	BO: Netaji Subhas Road, Kolkata	90

After amalgamation of Oriental Bank of Commerce and United Bank of India with Punjab National Bank pursuant to the Gazette Notification No. 133 dt. 04.03.2020 of Govt. of India, total credit facility /exposure of Punjab National Bank is Rs.634 crores.

To secure the above said credit facilities the borrower company created equitable mortgage/charge on the following assets.

Primary Security:-

1. Second Charge on all the Borrower's tangible movable assets including plant and machinery, machinery tools, accessories, furnitures, fixtures, vehicle & all other movable assets both present and future against the Bank Guarantee limit of Rs.200 crores by deed of hypothecation.
1. Second Charge on current assets & 1st charge on receivables under project documents for Unit-I at Raigarh, GC.

Collateral Security:-

1. Mortgage of 49.29 acres of land in vill-Deori, RNM Kirodimal Nagar, Raigarh, Chattisgarh.
1. Second charge ranking parri-passu over the immovable properties situated at village Deori, RNM KirodimalNagar,Distt-Raigarh measuring 636.45 acres.
1. Mortgage of immovable property measuring 71.92 acres in Vill-Deori & Dumarpalli, RNM Kirodimal Nagar, Raigarh, Chattisgarh.
1. Mortgage of immovable property measuring 45.69 acres in Vill-Deori & Dumarpalli, RNM Kirodimal Nagar, Raigarh, Chattisgarh.
1. Mortgage of immovable property measuring 184.27 acres in Vill- Deori & Dumarpalli, Raigarh, Chhattisgarh.
1. Mortgage of immovable property measuring 177.66 acres in Vill-Deori, & Dumarpalli, Raigarh, Chhattisgarh.

1. Mortgage of immovable property measuring 21.21 acres in Vill-Deori, & Dumarpalli, RNM Kirodimal Nagar, Raigarh, Chhattisgarh.

1. Mortgage of immovable property measuring 73.87 acres in Vill-Deori, & Dumarpalli, RNM Kirodimal Nagar, Raigarh, Chhattisgarh.

1. Mortgage of immovable property measuring 83.33 acres in Vill-Deori, & Dumarpalli, RNM Kirodimal Nagar, Raigarh Chhattisgarh.

Due to several factors viz, (A) inability of promoters to bring their respective share for meeting the original project cost as well as revised project cost, expiry of coal linkage, expiry of Power Purchase Agreement, delay in receipt of environmental clearance from Ministry of Environment & Forests, delay in execution of lease deed for 74 acres of land with Chhattisgarh State Industrial Corporation Ltd., delay by CEBC in conducting public hearings for the coal block and litigation with Larsen & Turbo which finally abandoned the site in July 2012, the COD of Project (Phase-I), which was scheduled on 30.09.2013 failed to achieve it. Subsequently the account with respective banks were classified NPA on the dates as mentioned hereunder.

Sl. No.	Name of the Bank	Dt. Of NPA	Date of declaration of fraud
1	Bank of Maharashtra	30.04.2016	08.03.2019
2	Central Bank of India	30.06.2015	19.10.2019
3	Union Bank of India	31.03.2015	25.10.2018
4	United Bank of India	30.06.2016	25.07.2019
5	Oriental Bank of Commerce	31.03.2016	20.05.2019
6	UCO Bank	31.03.2016	02.06.2020
7	Punjab National Bank	31.03.2016	11.06.2020
8	State Bank of Patiala	30.09.2016	27.09.2019
9	State Bank of Travancore	30.09.2016	27.09.2019
10	State Bank of Mysore	31.08.2016	27.09.2019
11	State Bank of Bikaner & Jaipur	30.11.2016	27.09.2019
12	Bank of India	05.07.2016	25.09.2019
13	Andhra Bank	31.03.2015	25.10.2018
14	Bank of Baroda	21.11.2016	15.01.2020

Corporate Insolvency Resolution Process against M/s. Visa Power Limited was initiated by virtue of Order dated 22.12.2017 passed by Hon'ble NCLT after an insolvency application filed by Bank of Maharashtra was admitted. Despite all the efforts being made no resolution plan was received during the CIRP in the matter within the statutory extended period of 270 days. Consequently order against the company was passed by the NCLT Kolkata on 11.10.2018 and Mr. Anil Goel was appointed to act as liquidator. The liquidator has taken primary and collateral securities into his possession. The value of all the securities i.e., movable fixed assets, immovable fixed assets, vehicles are Rs. 7151.80 lakhs. Hon'ble Supreme Court in India in Civil Appeal No. 3399/2020 in its Order dt. 05.01.2021 has ordered Status-quo to be maintained in respect of the plant, machineries and equipments which have been auctioned and which are available at the site and there shall be no further removal of machinery, plant and equipments.

The dues of all the banks which have been claimed before the liquidator in liquidation proceeding and admitted are as under.

Sl. no.	Bank	Facility	Admitted Claim in Rs.
1	e-Andhra Bank	Term Loan	126,28,81,034
2	Bank of Baroda	Term Loan	174,33,82,690
3	Bank of India	Term Loan & B.C	236,52,11,828
4	Bank of Maharashtra	Term Loan	107,10,31,811
5	Central Bank of India	Term Loan	74,79,59,258
6	e-OBC/PNB	Term Loan	104,60,80,037
7	Punjab National Bank	Term Loan	486,23,76,712
8	State Bank of India	Term Loan	429,56,13,263
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11	United Bank of India/PNB	Term Loan	96,21,83,947
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Forensic Auditor was appointed during CIRP process. Findings of the forensic auditor disclosed following fraudulent transactions.

Apart from the above, VPL had entered into a rent agreement dt. 01.02.2011 with Visa Infrastructure Ltd. (VIL a related entity of VPL) for the lease of building at 8/10 Alipore Road, Kolkata. As per deed VPL had obtained four floors i.e 2nd, 4th, 6th & 8th floor for office premises at Visa House. As per clause 2 & 5 of the deed, VPL has to pay a monthly lease Rent of Rs.304791.00 and monthly charges of Rs.380989.00 for common area facilities which comes to Rs.685780.00. Further, a security deposit of INR 26 crores was paid by VPL which was refundable on vacation of the office premises.

VPL has incurred expenses aggregating to INR 17.05 Crore for furnishing the office premises at Visa House in FY 2011-12.

The rental agreement was subsequently amended by VIL on August 08, 2011 by Virtue of which VPL relinquished it's rights to the following:

1. Claim or takeaway the furniture lying within the premises.
2. Claim refund of the security deposit or any part thereof prior to the completion of rental tenure of 10 years as pr the deed.

The Payment of Rs.26 crores as security to VIL which was against the prevalent practice of deposit of 3 - 6 monthly rent. The security deposit of Rs. 26 Crore was approximately 63 times of rent equivalent of 6 months, i.e., Rs.4114680.00 (Rs.685789.00 per month multiply by 6) which appears higher than the prevalent market practice based on prevailing market rate. This nature of transaction explicitly indicates that the company M/s. Visa Power Ltd. has defrauded the creditors by diverting pubic money thereby committing criminal breach of trust and criminal misappropriation.

Visa Power Ltd. had awarded 02 contracts of VRL on February 2012 for construction of hostel cum residential colony at their super thermal power land site at Raigarh, Chattisgarh and approach road to the plant connecting national highway. The initial contract amounting to Rs.34.47 Crores for the field hostel was agreed on 05 December 2011 and the same contract was revised on 06 February 2012 with a revised price of Rs. 54.93 Crores which indicates diversion of funds and criminal misappropriation.

A comparison of the payment terms of the contracts awarded by VPL to it's related parties (i.e Visa Really Ltd.) and with the contracts awarded to other non-related parties (i.e Larsen & Toubro Ltd. BHEL, TATA Project Ltd, KEC International Ltd. and VNR Infrastructures Ltd. during the same period. It is observed that capital advances to related entities (i.e VRL) was 95 % of the total contract value while the advances to non-related entities were in the range of 10% to 45 % during the same period.

It is also observed from the audited financial statements of Visa Power Ltd. (VPL), a sum of Rs. 60.08 Crores and Rs. 15.60 Crores has been paid by VPL to VRL as capital advance in the FY 2011-12 and FY 2012-13 respectively. Such capital advance has been utilized by VRL for buying equity and preference shares in the related parties of VRL and VPL (i.e Visa Minmetal Ltd.) The nature of transaction indicates that the accused company intending to misappropriated the bank money has diverted the fund.

In view of facts and circumstances it is clear that the accused persons have jointly hatched conspiracy against Public Sector Banks with intent to cheat bank by diverting/siphoning of money committed various offences under provision of IPC. The accused persons have committed various offences including that of Criminal Branch of Trust, Criminal misappropriation and cheating on the bank. The accused persons intended to cheat/defraud the bank is clearly evidenced by the facts narrated in the FIR. In the light of the above, it has transpired that the above named accused persons in connivance with each other and in pursuance of criminal conspiracy with others have caused wrongful gain to themselves and wrongful loss to the bank.

The role of Statutory Auditors, Chartered Accountants and Valuers is not known to the Bank. However, the same needs to be further investigated.

To ascertain any lapses attributable on the part of any staff, a special investigation was conducted which submitted it's report on dt. 26.05.2017. On the basis of special Investigation report Sri S.C Sharma, Incumbent Incharge of the branch has been charge-sheeted (Vigilance Major) dated 24.08.2017 served by HRMD, HO,DA Order dated 31.08.2017- Major penalty of " Reduction to two lower stages in the time scale of pay till his superannuation i.e 31.08.2017.

From the above facts, circumstance and transactions it is clear that the company M/s. Visa Power Ltd. in connivance with it's related entities has diverted and siphoned of banks money to cheat and defraud the bank.

The accused company along with unknown public servant have committed various offences including that of Criminal Branch of trust, fraud, criminal misappropriation and cheating on the bank. The accused intended to cheat/defraud the Bank since inception, which clearly evidence by the facts narrated in the FIR.

A look out circular has been issued by the Bank of India against the accused persons with LOC suspect No. from 2041738 to 2041740.

In the light above, it has transpired that the above named accused persons in connivance and in furtherance of criminal conspiracy with each other have caused wrongful gain to themselves and wrongful loss to the bank's to the tune of Rs.1964 Crore apart from interest due from the date of NPA. Since public funds to the tune of Rs.1964 crore have been siphoned off by committing upon the Bank, we request you to lodge an FIR against the said accused persons, investigate the matter and take further steps against the accused persons.

The amount involved in the fraud, cheating and criminal misappropriation of property being more than Rs.1964 crore, FIR is being lodged before the competent authority of CBI.

The account details with present status are produced hereunder:

Sl. No.	Lender Bank	Present Balance	Present status
1	Punjab National Bank including e-OBC & e-UBI	Rs. 492.94 Cr	The accounts have been declared NPA in the books of respective banks as per laid down procedure
2	Central Bank of India	Rs. 40.85 Cr	
3	Bank of India	Rs. 146.28 Cr	
4	Union Bank of India	Rs.191.89 Cr.	
5	Bank of Baroda	Rs. 100.47 Cr	
6	Bank of Maharashtra	Rs. 75.64 Cr	
7	State Bank of India	Rs. 303.52 Cr	
8	UCO Bank	Rs. 91.62 Cr	

Complainant Bank had declared the account as fraud for a sum of Rs 356.55 Crore and reported the same to RBI on 11.06.2019 for criminal misappropriation, criminal breach of trust and diversion funds.

It is therefore, requested to register FIR in the matter against the above mentioned persons, investigate the matter and take further steps against the accused persons. All the required information and documents available with the bank shall be provided as and when required for the purpose of investigation.

Under the above circumstances, I request you to register FIR and take legal action against the accused persons in accordance with law.

For Punjab National Bank

Round Seal of Punjab National Bank
Circle Office Bhubaneswar

Sd.—
Complainant
Seal of Paresh Das
Circle Head
Bhubaneswar

The facts and circumstances as mentioned in the aforesaid complaint prima facie reveal commission of cognizable offences punishable u/s. 120B IPC r/w Sections 420, 409 & 477A of IPC and Section 13(2) r/w Section 13(1) (d) of P.C Act, 1988, hence a regular case is registered against (1) Shri Vishambar Saran, S/o. Late Shankar Saran, (2) Shri Vikas Agarwal, S/o. Shri Vishambar Saran (3) Shri Subrato Trivedi, (4) M/s. Visa Power Ltd. 5) Unknown Public Servants and Unknown others.

A Regular Case is accordingly registered and endorsed to Sh. M.R. Hajong, ASP, CBI, BSFB, Kolkata for investigation. The original complaint is treated as part of the First Information Report (FIR), which is enclosed herewith.

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:

Maharshi Ray Hajong

Rank:

ADDL SUPERINTENDENT OF POLICE (BS&FB Kolkata)

No:

25103

to take the investigation

OR

(3) Refused investigation due to:

OR

(4) Transferred To PS:
on point of jurisdiction.

District:

Attached documents:

Document name

Complaint of PNB

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: MACHHINDRA RAMCHANDRA
KADOLE

Rank: SR. SUPERINTENDENT OF
POLICE (BS&FB Kolkata)

15. Date and time of dispatch to the Court:

Digitally signed by MACHHINDRA RAMCHANDRA
KADOLE
Date: 2023.08.19 15:27:00 IST
Reason:
Location:

शाखा प्रमुख
Head of Branch
के.अ.ब्यूरो/वै.प्र.घो.शाखा/कोलकाता
CBI/BSFB/KOLKATA

पंजाब नैशनल बैंक



punjab national bank

CIRCLE OFFICE: 4th FLOOR , DEEN DAYAL BHAWAN, JANPATH
ASHOK NAGAR, BHUBANESWAR-751009
Tel: 0674-2535613(O), E-mail: cobbsrinsp@pnb.co.in

REGISTERED POST

The Head of Branch
Central Bureau of Investigation
Banking Securities Fraud Branch
DF –Block, F-Wing, 1st Floor
CGO Complex, Salt Lake,
Kolkata 700064



Dated: 18.06.2021

Sir,

Reg: Request for lodging of FIR for the offences committed in the Loan A/c of M/s Visa Power Ltd BO: PNB Station Square, Bhubaneswar by (1) Shri Vishambar Saran, S/o Late Shankar Saran Resident of At - 10th Floor, Visa House, 8/10, Alipore Road, Kolkata – 700 027. (2) Shri Vikas Agarwal S/o Shri Vishambar Saran At - 10th Floor, Visa House, 8/10, Alipore Road, Kolkata – 700 027 (3) Shri Subrato Trivedi 17A, Tower -3, South City, Prince Anwar Shah Road, Kolkata- 700068 and (4) M/s Visa Power Ltd along with their accomplices for the offence of fraud by siphoning and diversion of funds, criminal misappropriation, criminal breach of trust, cheating etc. for causing loss to public money to the tune of more than Rs.1964 Crores.

This FIR being lodged by the Punjab National Bank on behalf of itself and other consortium member banks for alleged fraud by siphoning and diversion of funds, criminal misappropriation, criminal breach of trust and cheating thereby causing loss to public money to the tune of more than Rs.1964 Crores.

This complainant has the authorization from the MD & CEO of our bank, the competent authority.

I, Shri Paresh Kumar Das, S/o Shri Nitya Nanda Das, aged about 55 years, presently working at Punjab National Bank, Circle Office, Bhubaneswar -751009, as Circle Head, holding a valid General Power of Attorney from Punjab National Bank, being fully conversant with the facts & circumstances of commission of offence in the captioned account and authorized by the Bank to lodge this FIR, would like to bring to your kind attention the following facts.

This FIR being lodged by the Punjab National Bank on behalf of itself and other consortium member banks for alleged fraud by siphoning and diversion of funds, criminal

Page 1 of 10



misappropriation, criminal breach of trust and cheating thereby causing loss to public money to the tune of more than Rs. 1964 Crores.

This complainant has authorization from the competent authority i.e. MD & CEO of Bank.

M/s Visa Power Ltd CIN:U40101WB2005PLC105797 is a wholly owned subsidiary of M/s Visa Energy Ventures Ltd, which is a wholly owned subsidiary of M/s Visa Infrastructure Ltd and developing a domestic coal based thermal power project with a generation capacity of 1200MW at Raigarh, Chatisgarh. The company having it's Chairman Shri Vishambaran Saran, DIN- 00121501 residing at Visa House, 10th Floor, 8/10 Alipore Road, Kolkata-700027, Chairman & Managing Director Shri Vikas Agarwal DIN- 00352778, At-Visa House, 10th Floor, 8/10 Alipore Road, Kolkata-700027 and Joint Managing Director Shri Subrato Trivedi, DIN-01144935, At-17A, Tower -3, South City, Prince Anwar Shah Road, Kolkata- 700068. The borrower company M/s Visa Power, represented by its directors, Shri Shri Vishambar Saran, Shri Vikas Agarwal & Shri Subrato Trivedi had approached Station Square Branch, Bhubaneswar of the complainant Bank for a financial facility and presented financials and projections of the company to the Bank and sought financial assistance and caused the bank to believe that with the said loan limit the business of the company would grow. The project was to be executed in two phases of 600 MW each. The phase I has been financed through a consortium of 14 lenders with PNB as the lead bank involving TL limit of Rs.1964 Crore (Rs.394 Crore sanctioned by PNB).

Apart from Visa Power Ltd there are (3) three other associate companies namely 1) Visa Resources Ltd -CIN:U52110WB2006PLC111091 2) Visa Steel Ltd - CIN:L511090R1996PLC004601 & 3) Visa Bao Ltd which have also availed credit facilities from the bank where balance outstanding in the accounts of each company are as under :

- 1) Visa Resources Ltd. balance out standing Rs.112,69,26,162.00
- 2) Visa Steel Ltd. balance out standing Rs.443,76,45,887.00
- 3) Visa Bao Ltd with balance out standing Rs.83,23,55,845.00 has been merged with Visa Steel Ltd. (Excluding Interest & Charges after NPA)

Apart from the above three companies the accused company has following eight (8) associate/sister companies namely.




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Details of Associate Concern :			
Name of Perpetrator (Suspected/Actual) **	Name of Associate Concern **	PAN of Associate Concern **	Associate Concern Address **
Visa Power Ltd	Visa Infrastructure Ltd	Not available	Not available
	Visa Reality Ltd	Not available	Not available
	Visa Power Trading Company Ltd	Not available	Not available
	Visa Resources India Ltd	Not available	At - VISA HOUSE, 8/10, Alipore Road, Kolkata – 700 027
	Visa Steel Ltd.	Not available	At - VISA HOUSE, 8/10, Alipore Road, Kolkata – 700 027
	Visa International Ltd	Not available	Hul Building, 2 nd Floor, 9, Shakespeare Sarani, Kolkata – 700 071
	Visa Suncoke Ltd	Not available	Not available
	Visa Energy Ventures Ltd		Not available

Legal proceeding i.e. insolvency proceeding before NCLT, Kolkata has been initiated in the account subsequent to classification of the account as Non- Performing Asset.

Details of the facilities advanced by different lenders are as follows :

S.N.	Name of the Bank	Branch Address	Sanctioned Amount in Crore Rupees
1	Punjab National Bank	BO: Station Square, Bhubaneswar	394
2	Bank of India	BO: B.T.M. Sarani, Kolkata	190
3	UCO Bank	BO: Netaji Subash Road, Kolkata	190
4	Bank of Baroda	BO: India Exchange Place, Kolkata	145
5	Union Bank of India	BO: Camac Street, Kolkata	145



6	Erstwhile United Bank of India (Now PNB)	BO: Bijili Office Chowk,Raipur	145
7	Erstwhile Andhra Bank (Now Union Bank of India)	BO: Chowringhee Road, Kolkata	95
8	Bank of Maharashtra	BO: N.S Road, Kolkata	95
9	Erstwhile Oriental Bank of Commerce (Now PNB)	BO: Park Street, Kolkata	95
10	Erstwhile State bank of Bikaner & Jaipur(Now SBI)	BO: N S Road, Kolkata	95
11	Erstwhile State Bank of Mysore (Now State Bank of India)	BO: Tobacco House, Kolkata	95
12	Erstwhile State bank of Patiala (Now SBI)	BO: Camac Street, Kolkata	95
13	Erstwhile State bank of Travancore (Now SBI)	BO:Chowringhee Road,Kolkata	95
14	Central Bank of India	BO: Netaji Subash Road, Kolkata	90

After amalgamation of Oriental Bank of Commerce and United Bank of India with Punjab National Bank pursuant to the Gazette Notification No. 133 dated 04.03.2020 of Govt of India, total credit facility/exposure of Punjab National Bank is Rs. 634 Crores.

To secure the above said credit facilities the borrower company created equitable mortgage /charge on the following assets.

Primary Security :-

1. Second Charge on all the Borrower's tangible movable assets including plant and machinery, machinery tools, accessories, furnitures, fixtures, vehicle & all other movable assets both present and future. against the Bank Guarantee limit of Rs.200 Crores by deed of hypothecation.
2. Second charge on current assets & 1st charge on Receivables under project documents for Unit-I at Raigarh, CG.



Collateral Security :-

1. Mortgage of 49.29 acres of land in vill-Deori, RNM Kirodimal Nagar, Raigarh,Chattisgarh.
2. Second charge ranking parri-passu over the immovable properties situtated at village Deori, RNM Kirodimal Nagar, Dist- Raigarh measuring 636.45 acres.
3. Mortgage of immovable property measuring 71.92 acres in Vill- Deori, & Dumarpalli RNM Kirodimal Nagar, Raigarh,Chattisgarh.
4. Mortgage of immovable property measuring 46.69 acres in Vill- Deori, & Dumarpalli RNM Kirodimal Nagar, Raigarh,Chattisgarh.
5. Mortgage of immovable property measuring 184.27 acres in Vill- Deori, & Dumarpalli Raigarh,Chattisgarh
6. Mortgage of immovable property measuring 177.66 acres in Vill- Deori, & Dumarpalli Raigarh,Chattisgarh.
7. Mortgage of immovable property measuring 21.21 acres in Vill- Deori, & Dumarpalli, RNM Kirodimal Nagar Raigarh,Chattisgarh.
8. Mortgage of immovable property measuring 73.87 acres in Vill- Deori, & Dumarpalli, RNM Kirodimal Nagar Raigarh,Chattisgarh.
9. Mortgage of immovable property measuring 83.33 acres in Vill- Deori, & Dumarpalli, RNM Kirodimal Nagar Raigarh,Chattisgarh.

Due to several factors viz,A) inability of promoters to bring their respective share for meeting the original project cost as well as revised project cost, expiry of coal linkage, expiry of Power Purchase Agreement, delay in receipt of environmental clearance from Ministry of Environment & Forests, delay in execution of lease deed for 74 acres of land with Chhatisgarh State Industrial Corporation Ltd, delay by CEBC in conducting public hearings for the coal block and litigation with Larsen & Turbo which finally abandoned the site in July 2012, the COD of project (phase-I), which was scheduled on 30.09.2013 failed to achieve it. Subsequently the account with respective banks were classified NPA on the dates as mentioned hereunder.




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S.N.	Name of the Bank	Dt. Of NPA	Date of declaration of fraud
1	Bank of Maharashtra	30.04.2016	08.03.2019
2	Central Bank of India	30.06.2015	19.10.2019
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4	United bank of India	30.06.2016	25.07.2019
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	Total		2099, 54, 56,887

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A comparison of the payment terms of the contracts awarded by VPL to it's related parties (i.e. Visa Reality Ltd) and with the contracts awarded to other non-related parties (i.e. Larsen & Toubro Ltd, BHEL, TATA Project Ltd , KEC International Ltd and VNR Infrastructures Ltd during the same period. It is observed that capital advances to related entities (i.e. VRL) was 95% of the total contract value while the advances to non-related entities were in the range of 10% to 45% during the same period.

It is also observed from the audited financial statements of Visa Power Ltd (VPL), a sum of Rs.60.08 Crores and Rs.15.60 Crores has been paid by VPL to VRL as capital advance in the FY 2011-12 and FY 2012-13 respectively. Such capital advance has been utilized by VRL for buying equity and preference shares in the related parties of VRL and VPL (i.e. Visa Minmetal Ltd). The nature of transaction indicates that the accused company intending to misappropriate the bank money has diverted the fund. (3)

In view of facts and circumstances it is clear that the accused persons have jointly hatched conspiracy against Public Sector Banks with intent to cheat Bank by diverting/siphoning of money committed various offences under relevant provisions of IPC. The accused persons have



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To ascertain any lapses attributable on the part of any staff, a special investigation was conducted, which submitted its report on dt.26.05.2017. On the basis of the special investigation report Sri S.C.Sharma, Incumbent Incharge of the branch has been charge sheeted (Vigilance Major) dated 24.08.2017 served by HRMD, HO. DA Order dated 31.08.2017- Major penalty of "Reduction to two lower stages in the time scale of pay till his superannuation i.e. 31.08.2017.

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A look out circular has been issued by Bank of India against the accused persons with LOC suspect No. from 2041738 to 2041740.

In light of above, it has transpired that the above named accused persons in connivance and in furtherance of criminal conspiracy with each other have caused wrongful gain to themselves and wrongful loss to the Banks to the tune of Rs.1964Crore apart from interest due from the date of NPA. Since public funds to the tune of Rs. 1964Crore have been siphoned off by committing fraud upon the Bank, we request you to lodge an FIR against the said accused persons, investigate the matter and take further steps against the accused persons.

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4	Union Bank of India	Rs.191.89 Cr	
5	Bank of Baroda	Rs 100.47 Cr	
6	Bank of Maharashtra	Rs.75.64 Cr	
7	State Bank of India	Rs.303.52 Cr	
8	UCO Bank	Rs.91.63 Cr	

Complainant Bank has declared the account as fraud for a sum of Rs.356.55Crore and reported the same to RBI on 11.06.2019 for criminal misappropriation, criminal breach of trust and diversion funds.

All relevant original documents relating to the case are in the custody of Zonal Sastra, Kolkata which will be produced as and when called for.

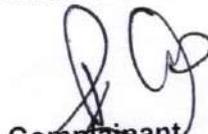
It is therefore, requested to register FIR in the matter against the above mentioned persons, investigate the matter and take further steps against the accused persons. All the required information and documents available with the bank shall be provided as and when required for the purpose of investigation.

Under the above circumstances, I request you to register FIR and take legal action against the accused persons in accordance with law.



परेस कुमार दास
Paresh Kumar Das
मंडल प्रमुख / CIRCLE HEAD
CIRCLE OFFICE, BHUBANESWAR

For Punjab National Bank


Complainant



knps org <knpsamitee@gmail.com>

UNTREATED WATER DISCHARGED BY VISA STEEL-JAJPUR(ODISHA)

1 message

knps org <knpsamitee@gmail.com>

Sat, Sep 2, 2023 at 1:41 PM

To: chairman@ospcboard.org, membersecretary@ospcboard.org, roez.bsr-mef@nic.in, secy-moef@nic.in, mefcc@gov.in, ccb.cpcb@nic.in, nazim.cpcb@nic.in, msclb.cpcb@nic.in, fesc.or@nic.in

Respected sir Despite issued show cause notice the unit the errant industry Visa steel has been discharging continuously untreated toxic waste water to nearby farmlands & Gandanal . Despite our repeated complaints no visible action has taken yet now. Therefore you are requested to take appropriate action as per law for public interest . Photographic & Videographic evidence is attached with it kind perusal .
Aswini Kumar Dhal President Kalinganagar Paribesh Surakshya Samiti

2 attachments



WhatsApp Image 2023-09-02 at 1.37.42 PM.jpeg
106K



WhatsApp Video 2023-09-02 at 1.37.42 PM.mp4
1581K



knpsc org <knpsc@knpsc.org>

UNTREATED WATER DISCHARGED BY VISA STEEL-JAJPUR(ODISHA)

1 message

knpsc org <knpsc@knpsc.org>

Wed, Aug 23, 2023 at 1:11 PM

To: chairman@ospboard.org, membersecretary@ospboard.org, roez.bsr-mef@nic.in, secy-moef@nic.in, mefcc@gov.in, ccb.cpcb@nic.in, nazim.cpcb@nic.in, rospcb.kalinganagar@ospboard.org

Respected sir Despite issued show cause notice the unit the errant industry Visa steel has been discharging continuously untreated toxic waste water to nearby farmlands & Gandanal . Despite our repeated complaints no visible action has taken yet now. Therefore you are requested to take appropriate action as per law for public interest . Photographic & Videographic evidence is attached with it kind persual .
Aswini Kumar Dhal President Kalinganagar Paribesh Surakshya Samiti

3 attachments



WhatsApp Image 2023-08-23 at 6.29.33 AM.jpeg
162K



WhatsApp Image 2023-08-23 at 6.29.32 AM.jpeg
120K

WhatsApp Video 2023-08-23 at 6.29.17 AM.mp4
2546K



UNTREATED WATER DISCHARGED BY VISA STEEL-JAJPUR(ODISHA)

1 message

knpsc org <knpsc@nic.in>

Sat, Aug 19, 2023 at 2:35 PM

To: chairman@ospboard.org, membersecretary@ospboard.org, roez.bsr-mef@nic.in, secy-moef@nic.in, mefcc@gov.in, ccb.cpcb@nic.in, nazim.cpcb@nic.in, rospcb.kalinganagar@ospboard.org

Respected sir Despite issued show cause notice the unit the errant industry Visa steel has been discharging continuously untreated toxic waste water to nearby farmlands & Gandanal . Despite our repeated complaints no visible action has taken yet now. Therefore you are requested to take appropriate action as per law for public interest . Photographic & Videographic evidence is attached with it kind persual

.Aswini Kumar Dhal

President

Kalinganagar Paribesh Surakshya Samiti

6 attachments



WhatsApp Image 2023-08-19 at 5.31.29 AM.jpeg
190K



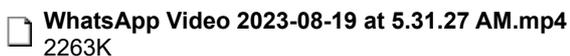
WhatsApp Image 2023-08-19 at 5.31.28 AM.jpeg
182K



WhatsApp Image 2023-08-19 at 5.31.27 AM.jpeg
182K



WhatsApp Image 2023-08-19 at 5.31.17 AM.jpeg
194K





knps org <knpsamitee@gmail.com>

UNTREATED WATER DISCHARGED BY VISA STEEL-JAJPUR(ODISHA)

1 message

knps org <knpsamitee@gmail.com>

Thu, Aug 24, 2023 at 3:17 PM

To: chairman@ospcb.org, membersecretary@ospcb.org, roez.bsr-mef@nic.in, secy-moef@nic.in, mefcc@gov.in, ccb.cpcb@nic.in, nazim.cpcb@nic.in, rospcb.kalinganagar@ospcb.org, mscb.cpcb@nic.in, fesecc.or@nic.in

Respected sir Despite issued show cause notice the unit the errant industry Visa steel has been discharging continuously untreated toxic waste water to nearby farmlands & Gandanal . Despite our reapeated complaints no visible action has taken yet now. Therefore you are requested to take apporopriate action as per law for public interest . Photographic & Videographic evidence is attached with it kind persual .

Aswini Kumar Dhal President Kalinganagar Paribesh Surakshya Samiti

5 attachments



WhatsApp Image 2023-08-24 at 3.12.40 PM (1).jpeg
237K



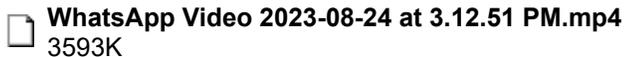
WhatsApp Image 2023-08-24 at 3.12.39 PM.jpeg
288K



WhatsApp Image 2023-08-24 at 3.12.40 PM.jpeg
296K



WhatsApp Video 2023-08-24 at 3.12.39 PM.mp4
2831K



WhatsApp Video 2023-08-24 at 3.12.51 PM.mp4
3593K



knpsc org <knpsc@gnail.com>

UNTREATED WATER DISCHARGED BY VISA STEEL-JAJPUR(ODISHA)

1 message

knpsc org <knpsc@gnail.com>

Sat, Aug 26, 2023 at 9:57 PM

To: chairman@ospboard.org, membersecretary@ospboard.org, roez.bsr-mef@nic.in, secy-moef@nic.in, mefcc@gov.in, ccb.cpcb@nic.in, nazim.cpcb@nic.in, rospcb.kalinganagar@ospboard.org, msch.cpcb@nic.in, fsec.or@nic.in

Respected sir Despite issued show cause notice the unit the errant industry Visa steel has been discharging continuously untreated toxic waste water to nearby farmlands & Gandanal . Despite our repeated complaints no visible action has taken yet now. Therefore you are requested to take appropriate action as per law for public interest . Photographic & Videographic evidence is attached with it kind persual .Aswini Kumar Dhal President Kalinganagar Paribesh Surakshya Samiti

2 attachments

WhatsApp Image 2023-08-26 at 8.07.13 PM.jpeg
131K



WhatsApp Image 2023-08-26 at 8.07.01 PM.jpeg
110K



knps org <knpsamitee@gmail.com>

UNTREATED WATER DISCHARGED BY VISA STEEL-JAJPUR(ODISHA)

1 message

knps org <knpsamitee@gmail.com>

Tue, Aug 29, 2023 at 9:57 AM

To: chairman@ospboard.org, membersecretary@ospboard.org, roez.bsr-mef@nic.in, secy-moef@nic.in, mefcc@gov.in, ccb.cpcb@nic.in, nazim.cpcb@nic.in, mscb.cpcb@nic.in, fsec.or@nic.in

Respected sir Despite issued show cause notice the unit the errant industry Visa steel has been discharging continuously untreated toxic waste water to nearby farmlands & Gandanal . Despite our repeated complaints no visible action has taken yet now. Therefore you are requested to take appropriate action as per law for public interest . Photographic & Videographic evidence is attached with it kind persual .
Aswini Kumar Dhal President Kalinganagar Paribesh Surakshya Samiti

2 attachments**WhatsApp Image 2023-08-29 at 9.51.35 AM.jpeg**
299K**WhatsApp Video 2023-08-29 at 9.51.35 AM.mp4**
1869K

quarters, the BJP state head-
ned-parliamentarian said

poor and helpless villagers
can't access their land, which
has been fenced. Land parcels

loy
me
bee

CBI on lookout for trio who duped 14 banks of ₹1,964cr

Debabrata.Mohapatra
@timesgroup.com

Bhubaneswar: The CBI's Bhubaneswar unit is on the lookout for three top functionaries of Kolkata-based Visa Power Ltd (VPL) on charges of duping 14 nationalised banks, including one in the capital city, of Rs 1,964 crore.

A case was registered on August 18 based on a complaint lodged by the Punjab National Bank (PNB), station square branch, Bhubaneswar, with the CBI in Kolkata on June 18, 2021. PNB is the lead bank of the 14 consortium member banks that had reportedly lent money to the company between 2011 and 2016. The CBI in Kolkata transferred the case to Bhubaneswar.

According to the FIR, VPL chairman Vishambaran Saran, chairman and managing director Vikas Agarwal and joint managing director Subrato Trivedi had approached the PNB in Bhubaneswar seeking loans for developing a coal-based thermal power project with a generation

capacity of 1,200MW at Raigarh in Chhattisgarh.

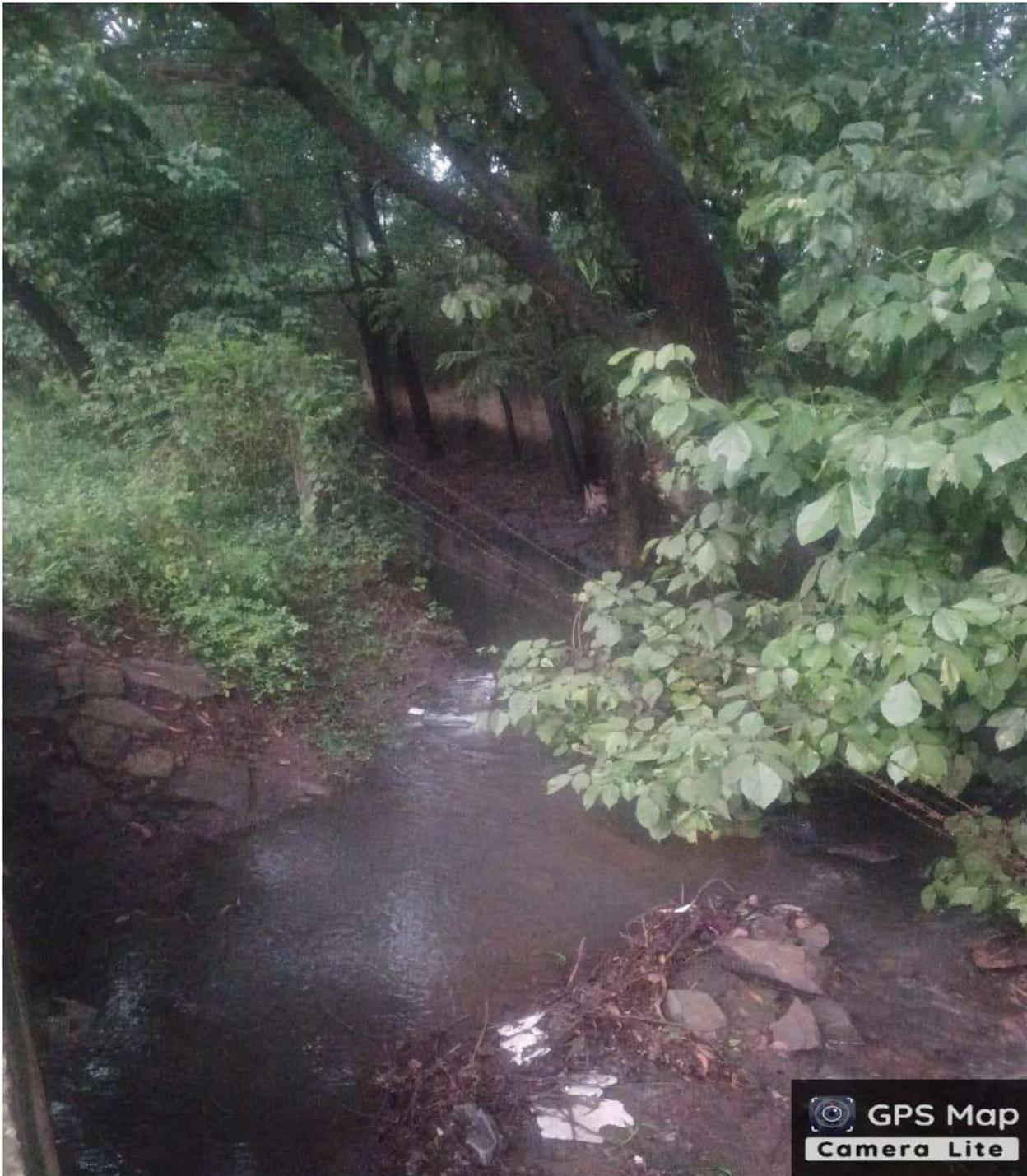
"The project was to be executed in two phases of 600MW each. Phase-1 was financed through a consortium of 14 lenders with PNB as the lead bank. A total loan of Rs 1,964 crore was sanctioned by the 14 banks, of which PNB released the maximum (Rs 394 crore)," the FIR read.

Due to several factors, including inability by the promoters to bring their respective shares for meeting the original project cost as well as revised project cost, expiry of coal linkage, expiry of power purchase agreement and other delays, the project did not take off and the accounts were classified as NPA during 2015-16.

"The accused jointly hatched a conspiracy against the public sector banks with intent to cheat by diverting public money illegally to other sources. A lookout circular has been issued by Bank of India against the accused persons," the FIR stated. Company officials were unavailable for comment.

NGO





 **GPS Map**
Camera Lite

Biju Pattnaik Marg, Jakhapura, Odisha 755020, India

Latitude

20.940379999999998

°

Longitude

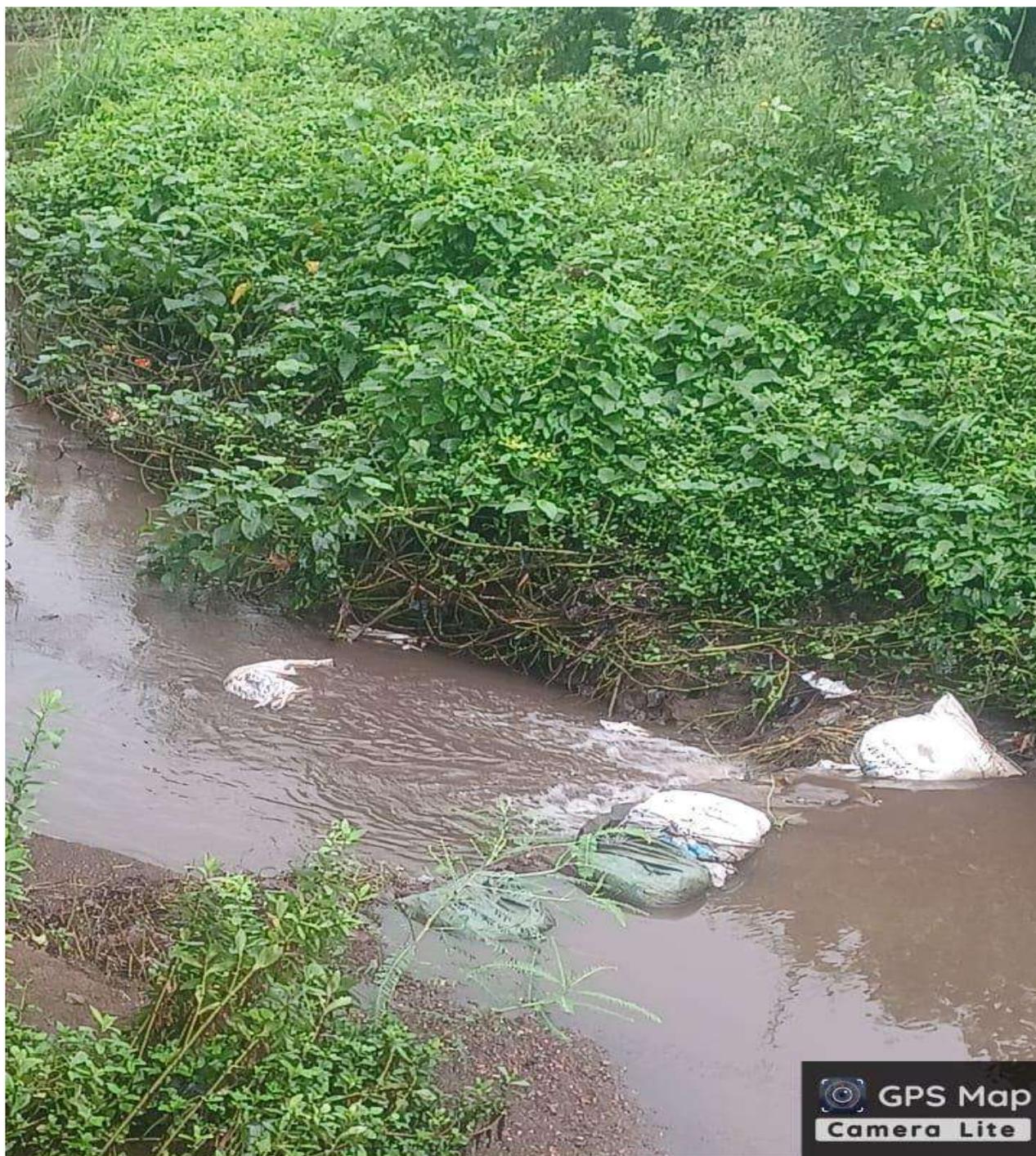
86.06621833333332°

Altitude 34 meters

Saturday, 19.08.2023

Local 05:23:47 AM

GMT 11:53:47 PM



 **GPS Map**
Camera Lite

Biju Pattnaik Marg, Jakhapura, Odisha 755020, India

Latitude

20.943371666666668

°

Longitude

86.06865166666667°

Altitude 34 meters

Friday, 18.08.2023

Local 08:57:55 AM

GMT 03:27:55 AM



Biju Pattnaik Marg, Jakhapura, Odisha 755020, India

Latitude

20.943963333333333

°

Longitude

86.06870833333332°

Altitude 34 meters

Saturday, 02.09.2023

Local 06:15:15 AM

GMT 12:45:15 AM



 **GPS Map**
Camera Lite

Biju Pattnaik Marg, Jakhapura, Odisha 755020, India

Latitude

20.943998333333337

°

Longitude

86.06927833333333°

Altitude 33 meters

Sunday, 27.08.2023

Local 07:24:01 AM

GMT 01:54:01 AM



Biju Pattnaik Marg, Jakhapura, Odisha 755020, India

Latitude

20.943980000000003

°

Longitude

86.068590000000001°

Altitude 34 meters

Saturday, 26.08.2023

Local 06:17:54 AM

GMT 12:47:54 AM



GPS Map
Camera Lite

Biju Pattnaik Marg, Jakhapura, Odisha 755020, India

Latitude

20.944005°

Longitude

86.06857333333333°

Local 06:17:50 AM

GMT 12:47:50 AM

Altitude 34 meters

Saturday, 26.08.2023



GPS Map
Camera Lite

Biju Pattnaik Marg, Jakhapura, Odisha 755020, India

Latitude

20.943933333333334

Longitude

86.06878499999999°

°

Altitude 34 meters

Local 03:08:36 PM

Thursday, 24.08.2023

GMT 09:38:36 AM



DISCHARGE OF UNTREATED WATER



**UNAUTHORISED OUTLET FOR DISCHARGE OF
WATER BY VISA STEEL**



Sankar Pani <sankarprasadpani@gmail.com>

SUPPLEMENTARY AFFIDAVIT IN OA 19 OF 2019

1 message

Sankar Pani <sankarprasadpani@gmail.com>

Sun, Sep 3, 2023 at 12:45 AM

To: Office Vsalegal <office@vsalegal.in>, pbanerjeebihani@gmail.com, Surendra Kumar <surendra_kr15@rediffmail.com>, SPCB Odisha <paribesh1@ospcboard.org>, RABINDRA KUMAR SAMAL <roez.bsr-mef@nic.in>, Tarun Patnaik <tarun.patnaik87@gmail.com>

Dear Sir

Please find the copy of Supplementary affidavit in OA 19 of 2019.

Warm Regards

--

Sankar Prasad Pani, Advocate
National Green Tribunal Kolkata & Orissa Highcourt
Res-Plot No 2132/4814(B), Nageswar Tangi,
Bhubaneswar, 751002
Cell- 9437279278
Skype- sankar.pani

**SUPPLEMENTARY AFFIDAVIT OF APPLICANT SEPTEMBER 2023.pdf**

13320K