

BEFORE THE HON'BLE LOKAYUKTA OF DELHI
JUSTICE HARISH CHANDRA MISHRA

COMPLAINT NO. C-1271/LOK/2012

IN THE MATTER OF:

COL. DEVENDER KUMAR
SEHRAWAT

...COMPLAINANT

VERSUS

SMT. BIMLA CHAUDHARY

...RESPONDENT

Appointed *Amicus curie* : Ms. Neelam Narang.
For the respondent : Ms. Vandana Sehgal,
Advocate.

CAV on 03.02.2023

Pronounced on 20.02.2023

ORDER

Heard Learned *Amicus Curiae* as well as Ld. Counsel for the respondent and perused the records.

2. This matter was initiated on the basis of the complaint received from the complainant making allegations against the respondent, Smt. Bimla Chaudhary, who was a 'Public Functionary' within the meaning of Section 2(m) of the Delhi Lokayukta and Upalokayukta Act, 1995, (hereinafter referred to as the 'Lokayukta Act'), being a Municipal Councillor of Ward No.144, New Delhi. It is alleged that she was living on a Government pension granted to widows, but

during her tenure as Municipal Councillor, she amassed assets disproportionate to her known sources of income and in a few years' time, she built a palatial bungalow in Khasra No.634/1 and 639 on unauthorized land in Village Rangpuri, New Delhi.

3. It was also alleged that the works allotted through seven tenders detailed at Appendix E to L of the complaint, were actually not carried out and the public money, which was reflected to have been spent on these works, had been misappropriated. At the time of election of Municipal Councillor in the year 2007, she had furnished her affidavit before the Returning Officer, but in the said affidavit, her bungalow was not shown as her assets.

4. She was also alleged to have acquired other assets including a water bottling plant, guest house and agricultural land in Rajasthan and Madhya Pradesh. It is again alleged that though there was a drive to demolish the unauthorized buildings constructed post 2007, but the bungalow of the respondent was not included in the list of unauthorized buildings maintained by DDA and MCD due to her official influence. With these allegations, the complaint was filed with the request to make inquiry into the matter.

5. Initially, the matter was entrusted for an inquiry by the Assistant Director (Investigation) of the Office of Lokayukta. The enquiry report was submitted on 12.09.2012, which showed that out of the seven tenders as mentioned in the complaint, the work order in respect of one tender was never issued and as regards the other six tenders,

the works were completed and there was no complaint in respect of the completed works. The report of the Assistant Director (Investigation) further showed that for inquiry into the matter of acquiring assets disproportionate to known sources of income and properties in other States, the complainant was asked to furnish better particulars, but no particular could be furnished by the complainant.

6. As regards the matter relating to the bungalow of the respondent, it was reported that the survey of the said property was conducted and it was found that the property was constructed at the ground and first floor, which was old and occupied, and construction was made without any sanctioned building plan.

7. The Assistant Director (Investigation) has further reported that the said bungalow had not been shown in the declaration submitted by the respondent before the Returning Officer in the year 2007 at the time of her election, which indicated that the said bungalow did not exist before the year 2007.

8. The record shows that on 05.12.2012, the statement of the complainant was recorded by the then Hon'ble Lokayukta and notice was ordered to be issued to the respondent. In response to the notice, the respondent has submitted her reply on 01.02.2013, wherein she has denied the allegations made against her. She has stated that she was a Councillor of Ward No.144 during the period 2007 to 2012. As regards the works allotted through the tenders, she has stated that no tender whatever was given by her, as the tenders were directly allotted

by the competent authority and there was no role of the respondent in this regard, but as per the development work, the respondent completed her duties in very well manner and the people of the locality, being satisfied, had also appreciated her works. She has attached some letters of appreciation written by some of the habitants along with the reply.

9. As regards the allegation relating to the construction of bungalow, she has stated that she got her house constructed much prior to her election as Municipal Councillor and the expenses of the construction of the said house had been incurred by her by selling her ancestral plot measuring 2 Biswa out of Khasra No.328/4, situated in Village Rangpuri, New Delhi, which she sold in the month of April 2006, for a sum of Rs.29 lacs. She has attached the copy of the Agreement of Sale and other documents as Annexure-C to the reply. She has also stated that during her tenure, not even a single property or plot was purchased by her at any point of time.

10. It may be mentioned that the respondent again filed her reply affidavit on 16.07.2013, wherein she has stated that in her earlier reply she had inadvertently mentioned that house / bungalow was in her name and the same was got constructed by her by selling one of her plots in the year 2006. She made clarification in her affidavit that the said house / bungalow was constructed on the ancestral land and the said land is still in the name of her *Jeth* (elder brother-in-law), but she is residing in the said house with her sons and their family members

and she contributed money in the construction of the said house / bungalow. She has further stated that the said house / bungalow was got constructed in two spans, firstly the structure of the house / bungalow was constructed on the vacant land and in the second span the entire construction was completed from the money which she received after selling the plot and the share of her sons. She has stated that the house had been constructed in the share of her husband in ancestral property, but the plot is in the name of her *Jeth*.

11. The order sheet dated 12.08.2013, available in the record, shows that the reply filed by the respondent was found to be incomplete, as it neither disclosed the extent of the ancestral land nor any document in support of the averments made in the affidavit had been filed. It also did not contain the details of the money spent by her on the construction of the house and its source. Accordingly, the respondent was directed to furnish those details.

12. After the aforesaid order passed by the then Hon'ble Lokayukta, yet another affidavit was filed by the respondent on 07.09.2013, in which she has stated that her house had been constructed in two phases. The first phase was constructed before 2006 and thereafter finally the construction of the house was completed in the year 2006 and approximately Rs.15 to 20 lacs had been spent in the construction of the house, which was arranged by selling the ancestral plot measuring 2 Biswa out of Khasra No.328/4, situated in Village Rangpuri, for a sum of Rs.29 lacs in the month of April 2006. She

has stated that out of the sale proceeds she gave Rs.10 lacs to her elder son and the rest of Rs.19 lacs was spent on the construction of the said house. Her younger son had also spent money on the construction of the house as he was also having rental income and other businesses for which he was paying the income tax. She has stated that apart from ancestral property, she has no piece of land in her name or in the name of her family members, as has been alleged in the complaint.

13. The record shows that after some time the complainant did not take any interest in the matter and in spite of the repeated orders passed by this Forum, the complainant neither appeared nor filed the complaint in the prescribed format supported with affidavit, as is mandatory under Section 9 of the Lokayukta Act. Accordingly, by order dated 09.03.2017, this matter was treated to be initiated as 'other information' under the provisions of Section 7 of the Lokayukta Act and thereafter the complainant never appeared in the matter. By an earlier order dated 01.05.2013, the matter had already been entrusted to Ld. *Amicus Curiae* for conducting the case.

14. The record, thus, shows that as regards other allegations regarding the works done against the tenders, as alleged in the complaint and other alleged assets of the respondent, no material could be brought against the respondent, and accordingly, the matter proceeded only with the allegation about the amount spent in the construction of the house of the respondent, on the land bearing Khasra No.634/2 & 639, situated in Village Rangpuri, New Delhi.

15. During the course of inquiry, the respondent adduced her evidence as RW-1, in which she has stated that she was the Municipal Councillor of Ward 144 during the period 2007 to 2012. As regards the allegation of construction of house, she has stated in her evidence that she got constructed her house, alleged as a bungalow, much prior to her election and the expenses of the said house had been incurred by selling her ancestral plot measuring 2 Biswa out of Khasra No.328/4, situated at Village Rangpuri, for a sum of Rs.29 lacs, in April 2006. She has brought on record the Agreement of Sale which is exhibited as Ex.RW-1/3. She has stated that out of the sale proceeds, the construction of the said house was completed, and prior to that the structure of the said house was built up. During her tenure, no property was purchased by her at any point of time. She has also stated that out Rs.29 lacs, a sum of Rs.10 lacs was given by her to her younger son, namely Pramod Kumar, who got constructed 6 shops in the ancestral property for the purpose of renting out the same.

16. This witness was cross-examined by the Ld. *Amicus Curiae*, wherein she had stated that she did not obtain any sanction plan for construction of the bungalow. She has voluntarily stated that there was no requirement for sanction plan as these khasra numbers were part of unauthorized colony. She stated that the construction was completed in the year 2007, but she did not remember the month in which it was completed. The construction was made on the land which was in the name of her *Jeth Kartar Singh*. She has also stated

that there was no agreement entered into between the brothers by way of family arrangement, but her brother-in-law Sh. Kartar Singh had filed an affidavit in this regard which was marked RW-1/X for identification. The other brothers did not raise any objection when she constructed the bungalow on the land.

17. This witness has again stated in her cross-examination that she remained Municipal Councillor from the year 1997 to 2002 and again from 2007 to 2012 and she had filed her nomination papers before the Returning Officer on 17.03.2007. She has admitted that she did not show any immoveable property including residential houses / apartments in her nomination papers and she had shown only agricultural land located in Khasra No.647, Malikpur Khoi, Rangpuri. She stated that she had sold her share of ancestral property to Sh. Bijender Singh for a sum of Rs.29 lacs and this property was situated in extended *Lal Dora* of Village Rangpuri in Khasra No.328/4. She has further stated that this was a constructed property which she sold measuring 120 Sq. Yds. Out of the amount of Rs.29 lacs, she was paid the sum of Rs.3.50 lacs by way of cheque and the rest amount of Rs. 25.50 lacs was paid in cash, which was given to her in one go at the same time. She had not deposited the cash amount in bank, rather she had kept the cash with her mother-in-law, who gave the sum of Rs. 10 lacs to her younger son Pramod Kumar. She has stated that she has no paper to show that she

incurred expenditure of Rs.19 lacs on the construction of the bungalow in question.

18. In her cross-examination, she has again stated that she had studied up to 10th class, but in her nomination papers, filed before the Returning Officer on 17.03.2007, she showed her educational qualification as B.A. (Hindi) from MD University, Rohtak, Haryana. She had also stated that she had failed in one paper in B.A.

19. RW-2 Pramod Kumar is the younger son of the respondent, who has come to depose that he had received a sum of Rs.10 lacs out of the consideration amount of the ancestral plot in Khasra No.328/4 in Village Rangpuri, in the month of April 2006, which he had invested in construction of shops.

20. RW-3 Kartar Singh is the *Jeth* (brother-in-law) of the respondent, who has stated about his ancestral property and has also stated that the record of rights is in his name and the respondent Smt. Bimla Chaudhary had constructed her house on the ancestral property which was given to her by way of a family settlement, but there was no written agreement between the brothers.

21. RW-4 Jaideep has claimed to be the Power of Attorney holder of Sh. Kartar Singh and he has also stated that Sh. Kartar Singh had given the land in Khasra Nos.634/2 and 639 to the respondent Smt. Bimla Chaudhary to build her house. He has also stated about an oral settlement between the family members in the year 2000.

22. CW-1 Bijender Singh, who had allegedly purchased the land from the respondent, has also entered into evidence. He tendered the original Agreement of Sale, Possession Letter and the Receipt for Rs.29 lacs, and a joint affidavit of himself and Smt. Bimla Chaudhary, all dated 11.04.2006, which were marked as exhibits CW-1/A to CW-1/D. He has stated that no sale deed was executed and he had taken possession of the land measuring 2 Biswa situated in the extended *Lal Dora* of Village Rangpuri, New Delhi, on the basis of the documents detailed above. This witness was cross-examined by the Ld. *Amicus Curiae*, wherein he has admitted that none of the documents exhibits CW-1/A to CW-1/D were either attested or notarized by any Notary Public. He has also admitted that no sale deed was executed at any point of time. He has also admitted that though General Power of Attorney and Will were also mentioned in Ext CW-1/D, but these documents were never executed. He admitted that there is no mention of the purpose of purchase on the stamp papers. He has also stated that the stamp papers were purchased by him, but he was confronted with the stamp papers, which showed that they had been purchased by Smt. Bimla Chaudhary.

23. To the Court question, as to how much he paid by cheque and how much he paid in cash, he has stated that he did not remember that and he cannot say even in approximation as to how much he paid by cheque, whether it was 50% or less. But he had stated that he paid a small amount by cheque which was around Rs.4 or 5 lacs. He did not

remember the date of cheque or any bank account number. He has also stated that the entire cash was given by him in one go. He has also stated that he had received Rs.2 crores and Rs.2.50 crores as compensation of one and half Kilas, i.e., seven and a half bighas of his land which was acquired by the Government. The land was acquired by the Government prior to his purchasing the property of Smt. Bimla Chaudhary. He had also sold 3 Kilas of land for approximately Rs.2 crores.

24. On the date of cross-examination, this witness could not produce the bank pass book and his cross-examination was deferred. On the deferred date, this witness again brought the statement of accounts from Punjab National Bank, and upon being asked by the *Ld. Amicus Curiae* to point out from the statement the entries pertaining to withdrawal of the cash amount of Rs.25.50 lacs, which according to him he had paid in cash for the plot, in question, to Smt. Bimla Chaudhary, he could not show any such entry in the statement of accounts. He has again stated that he had issued the cheque for Rs.3.50 lacs and not for Rs.4 or 5 lacs, as deposed by him earlier. The relevant entry was marked Point "A" in the pass book exhibited as Ex. CW-1/E. He has again stated that the cash amount was paid by him in small amounts over a period of time. When asked by this witness whether can he point out the relevant entries in the pass book to show the entries of Rs.2 crores and Rs.2.50 crores given to him as compensation by the Government for the land acquired, he

replied that he had not received the entire amount of Rs.2 crores or Rs.2.50 crores, as there were other co-sharers also. He has stated that the total amount of compensation received by him was to the tune of Rs.13,57,396/-, as depicted in the pass book, and he has admitted that he has received only the said amount and did not receive any other amount by way of compensation. His cross-examination was again deferred for bringing the statement of accounts from 13.04.2006 till 19.08.2008 from Punjab National Bank, which he never brought, and the record shows that thereafter this witness did not appear for his cross-examination.

25. Ld. *Amicus Curiae*, while making her submissions has very fairly submitted that as regards the allegations of misappropriation of funds against the works carried out in the projects for which tenders were issued, nothing could be found against the respondent. As regards the allegation of amassing of disproportionate assets also, there is no evidence on record and the complainant could not furnish any particular before the Assistant Director (Investigation) upon being asked. Ld. *Amicus Curiae*, accordingly, submitted that the only allegation that remains against the respondent is relating to the amount spent by her on the construction of the bungalow which the respondent claims to have constructed before she entered into office. Ld. *Amicus Curiae* has pointed out from the evidence of the respondent Smt. Bimla Chaudhary that during her cross-examination she has admitted that she was a Municipal Councillor during the

period 1997 to 2002 also, but she has concealed this fact in her reply and has stated that constructions were made by her prior to becoming Municipal Councillor. *Ld. Amicus Curiae* has also pointed out that the respondent had made a wrong declaration before the Returning Officer regarding her educational qualification, in as much as she had mentioned in her declaration that she had passed B.A. in Hindi, but in her cross-examination she admitted that she had studied up to class 10th only and had also stated that she had failed in one paper in B.A., which is again a misleading statement.

26. It is also submitted by *Ld. Amicus Curiae* that if the reply of the respondent that she had constructed the house before becoming a Municipal Councillor in the year 2007 is to be accepted, then there is another concealment in her declaration before the Returning Officer filed in the year 2007 wherein there is no mention about this property.

27. *Ld. Amicus Curiae* has pointed out from the reply of the respondent and her evidence that she has deposed that she got constructed her house much prior to her election and the expenses of the said house had been incurred by the respondent by selling her ancestral plot measuring 2 Biswa out of Khasra No.328/4, situated in Rangpuri in April 2006, but this property also is not shown in her declaration form. Her evidence that she got constructed her house much prior to her election as Councillor again gets falsified from her admission in the cross-examination that she was a Municipal Councillor from the year 1997 to 2002 also. As such, whatever

constructions were made, they are after the period of the respondent becoming a Municipal Councillor.

28. Ld. *Amicus Curiae* has also pointed out that the respondent has utterly failed in disclosing the sources of income for constructing the house property in as much as, in her declaration form, she has shown her cash to be Rs.30000/-, deposit in the bank to be Rs.30000/- and jewellery being 20 tolas of gold worth Rs.1.80 lacs. No other property has been disclosed by her and to cover up she told that she sold her property for Rs.29 lacs. Out of this Rs.29 lacs, only Rs.3.5 lacs has been shown to be given in cheque and the rest of the amount has been shown to be given in cash in one go, but the purchaser of the property has again failed to satisfy this Forum about this source of cash, in as much as, at one place he has stated in evidence that he had given the cash in one go, but again he stated that he had given the cash to the respondent in installments. Again though he has claimed to have given the cash to the respondent out of the compensation amount paid to him which he claimed to be Rs.2.5 crores, but upon production of the bank statement, the said amount came to Rs.13,57,396/- only. He could not show the relevant entries in the bank statement about the withdrawal of any money for payment of cash to the respondent. Indeed, even the documents of transfer of property executed between the respondent and her seller also does not inspire any confidence.

29. Ld. *Amicus Curiae*, accordingly, submitted that these facts clearly prove that the respondent had no source of legitimate income

for construction of the building and the source of money disclosed by her cannot be accepted. Ld. *Amicus Curiae* also submitted that the fact that she had made false declarations before the Returning Officer, at the time of her election in the year 2007, gets fully established on her own evidence and admissions, as also on the bare perusal of the declaration form which has been proved as Ex.RW-1/4. Ld. *Amicus Curiae*, thus, concluded that there are ample materials on record for making appropriate recommendations against the respondent.

30. *Per contra*, Ld. Counsel for the respondent has submitted that the allegations against the respondent are absolutely false and could not be established. It is submitted by the Ld. Counsel that there is nothing on record to establish any dereliction in duty by the respondent as a Municipal Councillor and there is nothing on record to prove the misappropriation of funds, nor there is any proof of existence of *mens rea* for the said offence. Ld. Counsel has placed reliance upon a decision of the Hon'ble Apex Court in **Radha Pisharassiar Amma Vs. State of Kerala**, reported in (2007) 13 SCC 410, laying down the law that proof of existence of *mens rea* is essential for establishing the offence of fraudulent misappropriation of fund.

31. Ld. Counsel for the respondent also submitted that the respondent has fully disclosed the fact that the amount in construction of the house was spent out of the consideration money which she received upon selling her share in the ancestral property and there is

no illegality in the same. Even otherwise, as the construction was completed prior to her becoming a 'public functionary', the alleged action shall not come within the purview of the Lokayukta Act.

32. As regards the alleged concealment in the declaration form while filing nomination as Municipal Councillor, Ld. Counsel for respondent has submitted that there may be minor discrepancies in the same, but they were not intentional. Ld. Counsel for the respondent accordingly, submitted that this matter is only fit to be dismissed.

33. Having heard Ld. Counsels for both the sides and upon going through the record, I find that though the complainant had filed the complaint and his statement was also recorded on oath in which the complainant had made various allegations against the respondent, but they cannot be taken into consideration in view of the fact that the complainant subsequently stopped taking interest in the matter and this matter was treated to be proceeded on the basis of the 'other information' under Section 7 of Lokayukta Act, and the respondent did not get any opportunity to cross-examine the complainant. As such, the statement of the complainant recorded on oath cannot be taken into consideration.

34. However, the evidence adduced by the respondent herself, during the proceedings before this Forum speaks volumes about her conduct as a 'public functionary', which she admittedly was, being a Municipal Councillor, of Ward no.144, New Delhi, from the year 1977 to 2002, and again from the year 2007 to 2012.

35. The declaration made by the respondent before the Returning Officer, at the time of her election as Municipal Councillor in the year 2007, has been proved as Exhibit RW-1/4. This clearly shows that she had shown her assets to be, cash Rs.30,000/-, deposit in bank Rs.30,000/- and jewellery being 20 tolas of gold worth Rs.1.80 lacs. As her immoveable assets, she had shown agricultural land at Village Malik Pur Khoi, Rangpuri, bearing Khasra No.647 to the extent of 4 bighas and no other land or building had been shown by the respondent in her declaration made before the Returning Officer. However, in her evidence, the respondent has stated that for the construction of her house, she sold out her ancestral plot measuring 2 Biswa in Khasra No.328/4 in Village Rangpuri, and this property is not shown in her declaration before the Returning Officer. Again, she has stated that she sold out this property for a sum of Rs.29 lacs in April 2006, and out of this sale proceeds, she had constructed the house much prior to her election as Municipal Councillor, but the fact remains that she admitted to have been the Municipal Councillor during the period 1997 to 2002 as well. As such her evidence that she constructed the house / property much prior to her election as Municipal Councillor clearly gets falsified. Out of the amount of Rs.29 lacs which she claims to have received as consideration money, only Rs.3.50 lacs was received in cheque and the major amount of Rs.25.50 lacs was said to be received in cash, but the evidence regarding this amount does not inspire any confidence.

In her evidence, she claims to have received the cash in one go, but her seller CW-1, Bijender Singh, though at one place states that he gave the cash in one go, but again he has stated that he paid the cash in installments. This seller claims to have made the payment of consideration money out of the compensation amount received by him, but his evidence about this compensation amount is also very sketchy. At one place, he claims to have received the compensation of Rs.2.50 crores, but he could not adduce any evidence in this regard and has admitted in so many words that he had received only Rs.13,57,396/- by way of compensation. Even the withdrawal of the amount of Rs.25.50 lacs from bank claimed to have been paid in cash, could not be proved by this seller CW-1 Bijender Singh. As such, the evidence adduced by the respondent to show the amount spent in construction of her house does not inspire any confidence and is fit to be discarded.

36. In view of the admission of the respondent that she was a Municipal Councillor during the period 1997 to 2002 as well, and still showing her moveable assets to be only Rs.30,000/- in cash, Rs.30,000/- in bank and 20 tolas of gold jewellery, again appears to be not reliable and needs to be properly investigated in view of the fact that admittedly in the close proximity in the year 2006-2007 she had constructed a big house. If her evidence is to be taken to be true that she completed the construction of house before becoming the

Municipal Councillor, then there is clear concealment of this property in her declaration filed before the Returning Officer in the year 2007. At the same time, if this property was not disclosed by her before the Returning Officer in the year 2007, it can be legitimately concluded that this property was not existing at that time and was constructed later, after she became the Municipal Councillor. The respondent has also made a false declaration about her educational qualification which she has admitted in her cross-examination and these false declarations / concealments in the declaration form get established beyond any reasonable doubt. In these facts and circumstances, a case is made out also for taking appropriate penal action in accordance with law, against the respondent for making false declarations / concealments in the declaration form submitted by her before the Returning Officer on 17.03.2007.

37. This apart, it is admitted by the respondent in her own evidence that she did not obtain any sanction plan for construction of the bungalow. She has voluntarily stated that there was no requirement for sanction plan as these khasra numbers were part of unauthorized colony. In that view of the matter, action is also required to be taken against such illegal construction in accordance with law.

38. In view of the aforementioned findings, I am of the considered view that the materials available on record clearly establish that the respondent has failed to act in accordance with the norms and integrity and conduct which ought to have been followed by her as a public

functionary of the class to which she belonged and she had abused and misused her position to obtain gains or favours to herself and for her family members. Accordingly, a case is made out for making appropriate recommendations to the Competent Authority, for taking actions against her.

39. In view of the above, and taking into consideration the fact that the respondent is no more a public functionary, but she was a public functionary at the relevant time, in exercise of the powers conferred under Section 12 of the Delhi Lokayukta and Upalokayukta Act, 1995, the following actions are recommended to be taken by the Competent Authority, i.e., the Hon'ble Lt. Governor, NCT of Delhi, against the respondent, Smt. Bimla Chaudhary, the erstwhile Municipal Councillor of Ward No.144, New Delhi:-

RECOMMENDATIONS:-

I. Inquiry / investigation by CBI / ACB / ED or any appropriate agency be directed to be made against the respondent Smt. Bimla Chaudhary, Ex-Municipal Councillor, Ward No.144, New Delhi, to ascertain whether any offence is made out under the Indian Penal Code, Prevention of Corruption Act, 1988, Prevention of Money-Laundering Act, 2002, or under any law in force, and in case her house property situated on Khasra No.634/1 and 639/1, Village Rangpuri, New Delhi, is found to have been constructed out of income derived

from illegal means, disproportionate to her known sources of income, and if it is found that the offence is made out under the Indian Penal Code, or Prevention of Corruption Act, 1988, or any other law in force, to take appropriate action in accordance with law.

II. During such investigation if it is found that the respondent Smt. Bimla Chaudhary, Ex-Municipal Councillor, Ward No.144, New Delhi, was involved in the offence of money laundering and the construction of the house property detailed above had been made out of the 'proceeds of crime' as defined under the Prevention of Money-Laundering Act, 2002, to initiate appropriate proceedings under the said Act as well.

III. Directions may be issued to the Commissioner, Municipal Corporation of Delhi for initiating appropriate proceeding in accordance with law, with respect to the bungalow / house of the respondent Smt. Bimla Chaudhary, Ex-Municipal Councillor, Ward No.144, New Delhi, situated on Khasra No.634/1 and 639/1, Village Rangpuri, New Delhi, as the said construction was admittedly unauthorized and without any sanctioned building plan.

IV. Directions may be issued to the Commissioner, Municipal Corporation of Delhi, to take appropriate penal action in accordance with law, against Smt. Bimla Chaudhary, Ex-Municipal Councillor, Ward No.144, New Delhi, for making false declarations / concealments in the declaration form submitted by her before the Returning Officer on 17.03.2007, at the time of her election as Municipal Councillor, Ward No.144, New Delhi.

V. Censure may also be communicated to Smt. Bimla Chaudhary, Ex-Municipal Councillor, Ward No.144, New Delhi, for making false declarations / concealments in the declaration form submitted by her before the Returning Officer on 17.03.2007, at the time of her election as Municipal Councillor, Ward No.144, New Delhi.

VI. Warning / caution may be issued to Smt. Bimla Chaudhary, Ex-Municipal Councillor, Ward No.144, New Delhi, not to make false declarations / concealments in the declaration forms before the Returning Officer, and to be more careful in making such declarations, in the event she is re-elected at any point of time in her political career, and to strictly adhere to the norms of integrity and conduct which ought to be

followed by the public functionaries of the class to which she belonged.

VII. Any other action(s) as may be deemed appropriate, fit and proper to be taken by the Competent Authority, i.e., the Hon'ble Lt. Governor, NCT of Delhi, against the respondent Smt. Bimla Chaudhary, Ex-Municipal Councillor, Ward No.144, New Delhi, as may be necessitated based upon the investigation(s) made by the Police / CBI / ACB / ED / Other Agency, if any.

40. The Registry shall take steps to send the recommendations to the Hon'ble Lieutenant Governor, NCT of Delhi, accompanied with all the relevant papers.

41. Let the copy of this order be sent to both the parties and all concerned. The records be consigned to the record room.


(JUSTICE HARISH CHANDRA MISHRA)
LOKAYUKTA, NCT of DELHI.

New Delhi,
The 20th February, 2023.