



MIZORAM LOKAYUKTA
(Constituted under the Mizoram Lokayukta Act, 2014)

Case No. MLC- 26/2021

In the matter of:

Pu Bog Bono Kumar : Petitioner/Complainant
Kamalanagar-III, CADC
Lawngtlai District, Mizoram

Versus

1. Pu Hriday Chakma, : Respondent/Opp. Party
District Industry Officer,
Industry Department, CADC,
Kamalanagar-III, Lawngtlai District, Mizoram
2. Pu Kali Kumar Tongchangya, : Respondent/Opp. Party
the then Chief Executive Member, CADC
Kamalanagar-III, Lawngtlai District, Mizoram
3. Pu Purnendu Bikash Chakma, : Respondent/Opp. Party
the then Executive Secretary, CADC,
Kamalanagar-II, Lawngtlai District, Mizoram
4. Pu Ronnie Zolianngura Chhakchhuak : Respondent/Opp. Party
Chawlhmun, Aizawl

ORDER

Date: 28.6.2023

A brief summary of the case is that a complaint petition dt. 22.1.2021 regarding alleged misappropriation of Government money in the 'Commercialization and Bottling of Duichuani' was submitted before the Chairperson, Mizoram Lokayukta by Pu Bog Bono Kumar, of Kamalanagar-III. After perusal of the complaint, the Lokayukta registered the case as MLC-26/2021 and directed the Anti-Corruption Bureau (ACB) to conduct Preliminary Enquiry (PE) by passing Order dt.18.2.2021. The ACB conducted PE and submitted the Report to the Lokayukta on 18.2.2022.

2. As per the provision of Section 19(3) of the Mizoram Lokayukta Act, 2014, an opportunity of being heard was afforded to the parties concerned on 20.4.2022, the Enquiry Officer Pu Joseph Lalremmawia, ACB was present. Respondent No.4, Pu Ronnie Zolianggura Chhakchhuak attended the hearing and submitted a written statement. One of the respondents telephonically informed that he did not receive the Hearing Notice. As prayed by the respondents and as per agreement of the parties who were present, hearing was re-scheduled to be held on 4.5.2022. Accordingly, hearing was held on 4.5.2022 in Court Room No.1 of the Mizoram Lokayukta. The Complainant and Respondents 1 & 2 appeared in person and were heard. Respondent No.3, Pu Purnendu Bikash Chakma was represented by learned Counsel Mr. B. Lalramenga. The respondents prayed time to file written statements and accordingly written statements were received on 2.6.2022.

3. The findings of Enquiry Officer in the PE are as follows:

- i. The fund amounting to ₹ 1,22,24,000/- was sanctioned for ‘Commercialization and Bottling of Duichuani’ vide Memo.No.L/No.G24014/3/2013/DCA/C/Pt dt.26/3/2016 under NITI AAYOG (2015-2016). Pu Hriday Chakma, District Industry Officer, CADC submitted Utilization Certificate for the fund amounting to ₹ 1,22,24,000/- even though only ₹ 1,10,00,000/- has been utilized as under:

i)	Site development	₹6,27,000/-
ii)	Purchase of computer	₹ 80,000/-
iii)	Internal electrification	₹ 3,00,000/-
iv)	Sanitary installation/Water connection	₹ 2,81,130/-
v)	Furniture and fittings	₹ 2,04,600/-
vi)	Payment to Ronnie Zolianggura (consultant)	₹ 94,20,000/-
vii)	Consistency expenditure	₹ 87,270/-
	Total	₹ 1,10,00,000/-

There was a deficit of ₹12,24,000/- only which was alleged to be misappropriated by Pu Kali Kumar Tongchangya, the then Chief Executive Member, CADC and Pu Purnendu Bikash Chakma, the then Executive Secretary, CADC.

ii. Notice inviting tender was not published by Industry Department, CADC for:-

- (i) Procurement of machines with an estimated amount of ₹ 72 lakhs
(ii) Construction of Factory shed with an estimated amount of ₹ 32.1 lakhs.

- iii. The following items which are supposed to be placed in Duichuani Factory building are found at different locations as shown below:
- (i) Furniture costing ₹ 2,04,600/- is found in the godown of Industry Department Office at Kamalanagar-II.
 - (ii) Computer, printer, cartridge and computer table costing ₹ 80,000/- are found in the Office of Industry Department at Kamalanagar-II.
 - (iii) Aqua Guard (RO) water filter costing ₹ 29,000/- is found inside the Office of Industry Department at Kamalanagar-II.
 - (iv) Water Submersible Pump costing ₹ 18,000/- is found inside the Office Industry Department at Kamalanagar-II.
- iv. Pu Ronnie Zoliangura Chhakchhuak who was entrusted by CADC did not execute the following items of works which are included in the approved list of Machines and equipments, etc:

Sl. No.	Description of Machines/ Works	Amount (in ₹)
1	S.S. 304 Quantity Storage Tank (300 ltrs.) with distributing nozzles- 1 No.	2,00,000
2	Chiller- 1 No.	2,40,000
3	ISI standard Laboratory equipment	3,00,000
4	Ceiling of factory building	90,720
5	Interior wall painting of factory building	25,625
	Total	8,56,345

Pu Ronnie Zoliangura Chhakchhuak claimed that he would have finished these works if he had received ₹ 13,11,270/- out of the total estimated amount of works which he did not received till date.

4. The complainant submitted additional documents on 6.6.2022 which stated that the project 'Commercialization and Bottling of Duichuani' has been successfully implemented, while several works which were incomplete when the ACB conducted the enquiry, and requested the Lokayukta not to draw any further proceeding in the case.

On receipt of the said documents, the Secretary, Mizoram Lokayukta sent a letter dt.16.6.2022 to the ACB requesting spot verification of the said project to cross-check the veracity of the statement of the complainant. The spot verification report along with photographs was received on 4.8.2022 wherein the Enquiry Officer stated that he found items

such as furniture, computers, printers, filters, etc. inside the factory building which were found at different locations during the previous enquiry. Different works such as Storage tank, chiller, ceiling of the factory building, interior wall painting of factory building, etc. which were not executed by Ronnie Zolianngura during the previous enquiry are now present as shown in the report of spot verification conducted by the ACB.

5. On perusal of the PE Report and spot verification reports, it appears there was divergence in the findings/recommendations. Hence, ACB was again addressed for their suggestion regarding further proceeding of the case vide letter No. C.13017/26/2021-ML dt. 12.8.2022. The suggestion received from ACB may be summed up as under:

- i. Registration of criminal case may be initiated against Mr. Kali Kumar Tongchangya, the then CEM, CADC and Mr. Purnendu Bikash Chakma, the then Executive Secretary, CADC for misappropriation of ₹12.24 lakhs out of the fund for the said project.
- ii. Initiation for departmental proceeding against Mr. Hriday Chakma, District Industry Officer, CADC for submission of Utilization Certificate for the fund amounting to ₹ 1,22,24,000/- even though ₹ 1,10,00,000/- was utilized for the said project and for non-publication of notice inviting tender for procurement of machines and construction of factory shed.

6. Therefore, the Lokayukta directed the Anti-Corruption Bureau (ACB) to conduct Full Investigation by passing Order dt.29.8.2022. In pursuance of the said Order, the ACB conducted Full Investigation and submitted the Report to the Lokayukta on 7.6.2023.

7. During the course of investigation, the Investigating Officer visited the site for 'Commercialization and Bottling of Duichuani Factory' which was located at Udalthana road, Kamalanagar-IV and carefully checked machineries and materials present at the site of Duichuani Factory and seized relevant documents from the office of the District Industry Officer, Chakma Autonomous District Council.

The investigation reveals that the amount of ₹ 12,24,000/- (Rupees twelve lakhs twenty four thousand) only which was alleged to be misappropriated by the officials of the Chakma Autonomous District Council was spent as under:

Sl. No.	Name of items	Qty.	Rate	Amount (in ₹)	Bill/ Voucher No.	Executed by
1	SS 304 Quantity Storage Tank 300 ltrs distributing nozzle	1 No.		200000		Deptt.
2	Chiller	1 No.		240000		Deptt.
3	ISI Standard Laboratory Equipments	1 No.		300000		Deptt.
4	Interior wall painting (primer, paint panel door)			27600	10	Deptt.
5	Bricks for internal wall	2600 Nos.	20	52000	36	Deptt.
6	Construction of ceiling (58500+196850)			255350	35 & 38	Deptt.
7	Iron gate	1 No.		36550	41	Deptt.
8	Labour cost for internal wall, ceiling etc.			112500		
Total				1224000		

The Investigating Officer have verified that the machineries and materials mentioned in the above table are present at the factory shed of Duichuani Factory and also cross checked with the documents/receipts and cash memos seized and found to be correct.

Hence, the investigation reveals that the amount sanctioned i.e. ₹ 1,22,24,000 (Rupees one crore twenty two lakhs and twenty four thousand) only was spent for 'Commercialization and Bottling of Duichuani Factory at Udalthana road Kamalanagar-IV and misappropriation on the part of the alleged officials is not found.

Accordingly, in terms of Section 19(3)(c) of the Mizoram Lokayukta Act, 2014, after considering all the facts and circumstances of the case and materials available on record, I hereby decided to close the case. Accordingly, the case stands closed.

(C. LALSAWTA)
Chairperson
Mizoram Lokayukta