



MIZORAM LOKAYUKTA

(Constituted under the Mizoram Lokayukta Act, 2014)

Complaint No. : **MLC- 66/2024**

Date : **25.9.2024**

Coram : **Lalmalsawma**
Chairperson

Lalsanglura
Member

Joel Joseph Denga
Member (Judicial)

ORDER

A complaint petition dated 10.09.2024, was filed before the Chairperson, Mizoram Lokayukta by Pu F. Lalrokima, H/No. LT/C-1(A), Durtlang Leitan, Aizawl, Mizoram, stating that he had not received payment in full for work under the Government of Mizoram at the Tuirial Garbage Dumping Ground, alleging financial irregularity as the cause, and requesting assistance to recover his dues as applicable. The complainant stated that various construction contracts had been given out under SIPMIU in 2019, and that three items of work were awarded to Pu V. Lalbiakzama, a First Class Contractor, as follows: (1) Retaining Wall near Compost Pad at Solid Waste Disposal & Treatment Plant (Estimated amount Rs. 41,68,285/-), (2) Gabion Wall (Structure 3) at Landfill (Estimated amount Rs. 37,70,766/-), and (3) WRC Courtyard RCC Flooring (Estimated amount Rs. 132,83,937/-).

2. The complainant claims to have carried out these three works on behalf of the assigned contractor, Pu V. Lalbiakzama, and states that on completion he received in full the estimated and sanctioned amounts in respect of the items at Sl. Nos. (1) and (2), i.e. Retaining Wall near Compost Pad at Solid Waste Disposal & Treatment Plant, and Gabion Wall (Structure 3) at Landfill.

3. However, he was not paid fully in respect of the work at Sl. No. (3), i.e. WRC Courtyard RCC Flooring, the complainant alleged, stating that while, as in the case of the other two items, he expected to receive the estimated and sanctioned amount of Rs. 132,83,937/- in whole, only Rs. 75,00,000/- was given to him, and the balance of Rs. 57,83,937/- remains due .

4. The complainant states that he approached the then Minister In-charge, Pu Tawnluia, on 13.12.2019, who redirected him to his daughter-in-law, Pi Lalmuanpuii, and that she gave him a Cheque No. "000013" dated 13.12.2019 for Rs.75,00,000/- drawn on Bandhan Bank, saying that it was sufficient compensation for the work done. The complainant annexed a Legal Notice dated 14.3.2024, sent by his counsel, Pu Lalhriatrenga, Advocate, to Pu V. Lalbiakzama and Pi K. Lalmuanpuii, demanding the balance amount of Rs. 57,83,937/- allegedly due, and stated that he has not received any response to the notice till the date of filing the complaint.

5. On scrutiny, it is seen that the complaint, prima facie, does not contain a clear allegation of corruption, or make out definitively the commission of a criminal offence that would bring the matter within the purview of the Mizoram Lokayukta. Rather, the statements of facts laid down by the complainant suggest that the case is of civil nature. The main grievance of the complainant is the alleged failure of the respondents to make payment to him in full for work done. The complaint does not point to misconduct by a public servant or involvement in a criminal offence, and the dispute would appear to be purely civil in nature.

6. As held in *G. Sagar Suri and Anotherv. State of U.P. and Others*², ((2000) 2 SCC 636 : 2000 INSC 34, if a person is somehow entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure through criminal prosecution should be deprecated and discouraged.

7. To sum up, the complaint does not contain the necessary ingredients to bring it under the scope of the penal law; the grievance relates to the alleged failure to make payment in full under a contract or agreement for which the proper remedy would be a civil action under the Code of Civil Procedure. Accordingly, in terms of section 19(1) of the Mizoram Lokayukta Act, 2014, the case is hereby closed/disposed of. However, the complainant is at liberty to seek redressal from the appropriate authority for his grievance.

Sd/-LALMALSAWMA
Chairperson

Sd/-LALSANGLURA
Member


Sd/-JOEL JOSEPH DENGA
Member (Judicial)

Memo No. C.13017/66/2024-ML

Dated, Aizawl the 25th September, 2024

Copy forwarded for information to:

1. The Chief Secretary/Chief Vigilance Officer, Aizawl, Mizoram
2. Pu F. Lalrokima, H/No. LT/C-1(A), Durtlang Leitan, Aizawl, Mizoram
3. Guard File.


(R. LALTHARLIANA)
Assistant Registrar
Mizoram Lokayukta