



2026:DHC:3083-DB



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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*Reserved on: 07.04.2026*

*Date of decision: 15.04.2026*

+ W.P.(C) 4129/2026, CM APPL. 20143/2026, CM APPL. 20144/2026,  
CM APPL. 20145/2026 & CM APPL. 20146/2026

CHINMOYJIT SEN

.....Petitioner

Through: Mr. Ruchir Mishra, Adv. with  
Mr.Sanjiv Kumar Saxena, Mr.Mukesh  
Kumar Tiwari, Ms. Reba Jana Mishra  
and Ms. Poonam Shukla, Adv.

versus

LOKPAL OF INDIA

.....Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE VIVEK CHAUDHARY**

**HON'BLE MS. JUSTICE RENU BHATNAGAR**

**J U D G M E N T**

1. The present writ petition is filed by the petitioner challenging the Order dated 25.02.2026 (“impugned order”) and show cause Notice dated 27.02.2026 both passed by the Lokpal of India under the Lokpal and Lokayuktas Act, 2013, (“the Act”) in Complaint No.243/2025.
2. The brief facts of the case are that with regard to the Complaint No. 243/2025, the Lokpal initiated proceedings under the Act and required the Central Bureau of Investigation (“CBI”) to conduct a preliminary inquiry under Section 20(1) of the Act *vide* its Order dated 22.08.2025. The CBI conducted the preliminary enquiry and submitted its preliminary inquiry



report dated 27.01.2026. The Lokpal considered the said report and passed an Order dated 25.02.2026, impugned in the present writ petition. The Lokpal *prima facie* found allegations nos. 1 and 3 against the petitioner and allegations nos. 2 and 4 in his favour, as unsubstantiated. Thereafter, the Lokpal also issued the impugned Notice dated 27.02.2026 to the petitioner giving him opportunity of hearing under Section 20(3) of the Act on the said two allegations.

3. Challenging the aforesaid order and notice, learned counsel for the petitioner submits that the impugned order is passed without giving any opportunity of hearing to the petitioner. Before passing the said order, it was incumbent upon the Lokpal to give the opportunity of hearing to the petitioner.

4. He further submits that now the Lokpal has already made up his mind and there is no purpose in issuing the show cause notice to the present petitioner. Thus, the entire proceedings are vitiated.

5. Reliance is placed upon the judgment of this Court in ***Shri Shashi Shekhar Prasad v. Lokpal of India and Ors.***, 2026:DHC:2853-DB.

6. We have considered the submission of the learned counsel for the petitioner and have gone through the record, including the impugned Order dated 25.02.2026 and the impugned Notice dated 27.02.2026.

7. So far as the judgment in ***Shashi Shekhar Prasad v. Lokpal of India and Ors*** (supra) is concerned, has no application to the facts of the present case as in the said case, orders after hearing on the show cause notice under Section 20(3) of the Act were passed and challenged, unlike the present case



where any order on the show cause notice under Section 20(3) of the Act is yet to be passed.

8. After the preliminary inquiry report of the CBI was received by the Lokpal, it was incumbent upon it to consider the same and form a *prima facie* opinion for the purpose of issuing the show cause notice to the petitioner. Had the Lokpal agreed with the opinion of the CBI which is in favour of the petitioner, it would have dropped the proceedings and there was no requirement for issuance of any notice to the petitioner. On not being fully satisfied with regard to allegation nos.1 and 3 against the petitioner, the Lokpal has given a notice under Section 20(3) of the Act to the petitioner to submit a reply and thus, given him an opportunity of hearing.

9. The submission of learned counsel for the petitioner that the petitioner would be severely prejudiced as the Lokpal has considered the matter and passed the impugned order, does not impress us. It is incumbent on the Lokpal to first peruse the record and form a *prima facie* opinion if any case is made out against the petitioner. Without applying mind to the said extent, the issuance of notice to the petitioner by the Lokpal would have been without any application of mind. Therefore, to say that the Lokpal has considered the preliminary inquiry report of the CBI and thereafter passed the impugned order dated 25.02.2026, would prejudice the petitioner, does not impress us. On the basis of the said order, the Lokpal has issued a show cause notice under which now an opportunity of hearing is to be given to the petitioner to the extent of show cause notice. The impugned Order dated 25.02.2026 is only a *prima facie* opinion and final order for proceeding with one or more of



the actions under Section 20(3) of the Act is to be passed only after hearing the petitioner.

10. Further, the impugned notice was issued on 27.02.2026 and the petitioner was required to appear before the Lokpal, after submitting his reply, on 18.03.2026. On the said date, petitioner appeared in the matter and took time for filing a reply. Instead of filing a reply, he proceeded to file the present writ petition before this Court.

11. It appears that the entire time taken in challenging the impugned Order and the show cause notice is to somehow delay the proceedings before the Lokpal.

12. Petitioner can, and ought to, raise all his grievances before the Lokpal. The Lokpal is an august body, chaired by persons having huge experience and knowledge in the field of law. They are fully conscious with regard to *prima facie* opinion made in the matter at the stage of issuance of show cause notice, and a final decision, with regard to proceeding under Section 20(3), to be taken after hearing the parties.

13. We make it clear that the opportunity of hearing to the public servant is contemplated before any final action is taken under Section 20(3). Had the legislature intended that a hearing be granted even prior to issuance of a show cause notice, it would have so provided. Therefore, the mere issuance of a show cause notice, after due consideration of the material on record, cannot be said to be without application of mind or in violation of principles of natural justice.



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14. We further make it clear that the Lokpal shall consider the reply of the petitioner and take a final decision without being prejudiced by any observation made by it in the impugned Order dated 25.02.2026.
15. With the aforesaid directions, the present petition is dismissed.
16. Pending application(s), if any, stands disposed of.

**VIVEK CHAUDHARY  
(JUDGE)**

**RENU BHATNAGAR  
(JUDGE)**

**APRIL 15, 2026/pk/nc**