

*** THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH**

AND

*** THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN**

+ WRIT PETITION Nos.24835, 24837, 26367 and 29352 of 2025

% Dated: 22.04.2026

W.P.No.24835 of 2025:

Thanneeru Harish Rao and others

...Petitioners

vs.

\$ The State of Telangana, General Administration Department,
Secretariat Buildings, Hyderabad, Rep. by its Chief Secretary
and others.

...Respondents

! Counsel for the petitioner in W.P.No.24835 of 2025:

Mr. C.A.Sundaram, learned Senior Counsel,
representing Mr. Jaggannagari Venkat Sai

! Counsel for the petitioner in W.P.No.24837 of 2025:

Mr. Dama Seshadri Naidu, learned Senior Counsel,
Representing Mr. Ponugoti Mohith Rao

! Counsel for the petitioner in W.P.No.26367 of 2025:

Mr. Tarun G. Reddy

! Counsel for the petitioner in W.P.No.29352 of 2025:

Mr. J.Ramachandra Rao, learned Senior Counsel,
representing Mr. Jagannagari Venkat Sai

^ Counsel for respondents No.1 and 2 in W.P.No.24835 of 2025:

Dr. Abhishek Manu Singhvi,
learned Senior Counsel, representing Advocate General.

^ Counsel for respondents No.1 and 2 in W.P.Nos.24837 and 26367 of 2025:

Mr. S.Niranjan Reddy, learned Senior Counsel,
along with Mr. A.Sudarshan Reddy,
learned Advocate General, duly assisted by
Mr. I.V.Siddhivardhana, learned Special Government Pleader.

^ Counsel for respondents No.1 and 2 in W.P.No.29352 of 2025:

Mr. P.Sri Raghu Ram, learned Senior Counsel,
representing Advocate General.

< Gist:

> Head Note:

? Cases referred

1. 1995 SCC OnLine AP 356
2. (1989) 1 SCC 494
3. 2004 SCC OnLine All 1891
4. AIR 1958 SC 538
5. (2003) 4 SCC 557
6. (2008) 12 SCC 675
7. (2001) 6 SCC 181
8. (2003) 8 SCC 361
9. 1968 SCC OnLine SC 46
10. (2001) 6 SCC 50
11. (2009) 9 SCC 173
12. (2004) 12 SCC 278
13. (1984) 1 SCC 43
14. (2009) 13 SCC 102
15. (1977) 4 SCC 608
16. (1994) 6 SCC 632
17. AIR 1967 SC 122
18. (1990) 2 SCC 48
19. AIR 1958 SC 300
20. (2016) 7 SCC 221

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT PETITION Nos. 24835, 24837, 26367 and 29352 of 2025

Dated: 22.04.2026

W.P.No.24835 of 2025:

Between:

Thanneeru Harish Rao

...Petitioner

and

The State of Telangana, Rep. by its Chief Secretary,
General Administration Department, Secretariat, Hyderabad,
and 2 others.

...Respondents

W.P.No.24837 of 2025:

Between:

Sri Kalvakuntla Chandrashekar Rao

...Petitioner

and

The State of Telangana, Rep. by its Chief Secretary,
General Administration Department, Secretariat, Hyderabad,
and 2 others.

...Respondents

W.P.No.26367 of 2025:

Between:

Shri Shailendra Kumar Joshi

...Petitioner

and

The State of Telangana, General Administration Department,
Secretariat Buildings, Hyderabad, Rep. by its Chief Secretary,
and 2 others.

...Respondents

W.P.No.29352 of 2025:

Between:

Smt. Smita Sabharwal

...Petitioner

and

The State of Telangana, Rep. by its Chief Secretary,
General Administration Department, Secretariat, Hyderabad,
and 2 others.

...Respondents

COMMON JUDGMENT (Aparesh Kumar Singh, CJ):

Mr. C.A.Sundaram, learned Senior Counsel appears for
Mr. Jagannagari Venkat Sai, learned counsel for the petitioner in
W.P.No.24835 of 2025.

Mr. Dama Seshadri Naidu, learned Senior Counsel appears for
Mr. Ponugoti Mohith Rao, learned counsel for the petitioner in
W.P.No.24837 of 2025.

Mr. Tarun G. Reddy, learned counsel appears for the petitioner in
W.P.No.26367 of 2025.

Mr. J.Ramachandra Rao, learned Senior Counsel appears for
Mr. Jagannagari Venkat Sai, learned counsel for the petitioner in
W.P.No.29352 of 2025.

Dr. Abhishek Manu Singhvi, learned Senior Counsel appears for the State in W.P.No.24835 of 2025.

Mr. S.Niranjan Reddy, learned Senior Counsel, along with Mr. A.Sudarshan Reddy, learned Advocate General duly assisted by Mr. I.V.Siddhivardhana, learned Special Government Pleader appears for the State in W.P.Nos.24837 and 26367 of 2025.

Mr. P.Sri Raghu Ram, learned Senior Counsel appears for the State in W.P.No.29352 of 2025.

2. A Commission of Inquiry headed by Justice Pinaki Chandra Ghose, Former Judge of Supreme Court of India, was appointed in exercise of powers conferred by Section 3 of the Commissions of Inquiry Act, 1952 (hereinafter referred to as 'Act of 1952'), to conduct *judicial* inquiry on certain allegations of irregularities and embezzlement of public funds by corrupt practices in constructing the barrages of Medigadda and Annaram Reservoirs of Kaleshwaram Project, on the Terms of Reference contained therein. The Commission was conferred with the powers under sub-sections (2), (3), (4) and (5) of Section 5 of the Act of 1952. The Commission, after examination of several witnesses and documents, submitted its Report on 31.07.2025. The writ

petitioners being aggrieved by the findings preferred the present writ petitions.

3. The petitioner (THR) in writ petition No.24835 of 2025 is the former Minister for Irrigation in the erstwhile Telangana Government.

The petitioner (KCR) in writ petition No.24837 of 2025 is the former Chief Minister of Telangana Government.

The petitioner (SKJ) in writ petition No.26367 of 2025 is the Retired Indian Administrative Service Officer.

The petitioner (SS) in writ petition No.29352 of 2025 is the Indian Administrative Officer serving in the State of Telangana.

The petitioners in W.P.Nos.24835, 24837, 26367 and 29352 of 2025 are referred to as THR, KCR, SKJ and SS respectively hereinafter.

4. It is stated by the petitioners that upon submission of the Report by the Commission on 31.07.2025, in a Press Conference which was convened by the Present Chief Minister, a power point presentation was made by the present Irrigation Minister on 04.08.2025. The petitioners claimed to have learnt about the prejudicial and defamatory findings against them on the basis of the power point presentation made during the Press Conference. Except in writ petition No.26367 of 2025, the petitioners in the other writ petitions, approached the writ court with

common prayer for a declaration that G.O.Ms.No.6, dated 14.03.2024, whereby Justice Pinaki Chandra Ghose, Former Judge of the Supreme Court of India, was appointed to conduct *judicial* inquiry into the alleged negligence, irregularities and lacunae in planning, designing and construction of Medigadda, Annaram and Sundilla barrages, which form integral components of the Kaleshwaram Lift Irrigation Scheme and to fix up responsibilities for any authority/official who extended undue favours to the agencies/contractors, is illegal, arbitrary, unconstitutional and *ultra vires* the provisions of the Act of 1952 and contrary to the judgments passed by this Court and Hon'ble Supreme Court of India. All the writ petitioners have sought a declaration that the observations and findings of the Commission in its Report dated 31.07.2025, which are prejudicial and defamatory as against them, are illegal and arbitrary, premeditated and *mala fide* and prayed for setting aside the same as they have been made without providing notice under Sections 8B and 8C of the Act of 1952 in violation of the principles of natural justice. They have also sought a declaration that the action of the respondents-State in making repeated publications of the Report of the Commission, dated 31.07.2025 is manifestly arbitrary, illegal, *mala fide*, biased and premeditated and violative of principles of natural justice.

5. During the proceedings of the writ petitions, interim orders were passed in the case of individual writ petitioners that no action based upon the adverse findings of the Commission should be taken against the petitioners, during the pendency of the writ petitions. It was brought to the notice of this Court that the Report was submitted before the Legislative Assembly on 31.08.2025. It was also submitted by the learned Advocate General that no adverse action based on the findings of the Report was going to be taken against the writ petitioners. However, the matter had been handed over to the Central Bureau of Investigation (CBI) vide G.O.Ms.No.104, dated 01.09.2025 to conduct investigation into the allegations of irregularities, embezzlement of public funds and corrupt practices etc., in the matter of construction of Medigadda, Annaram and Sundilla barrages of Kaleshwaram Irrigation Project against all the accused persons including the public servants and private persons, companies etc.

6. After completion of the pleadings, the matters had been heard at length. Detailed submissions have been made on behalf of the writ petitioners and the respondents 1 and 2-State.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONERS:

W.P.No.24835 of 2025 (THR):

7. Mr. C.A.Sundaram, learned Senior Counsel appearing on behalf of the writ petitioner, THR in W.P.No.24835 of 2025 has made submissions on the background of the inter-state project to utilise Godavari water for irrigational purposes and to cater to the needs of drinking water and industrial purposes. The Government of Telangana in the year 2014 had engaged the services of Water and Power Consultancy Services (WAPCO) – a Union of India Public Sector Undertaking to investigate, identify and recommend alternative site for barrage construction. The sites were identified as Medigadda, Annaram and Sundilla. According to the petitioner, in the year 2023, one of the piers, i.e., Pillar No.20 of Medigadda barrage subsided due to various factors including excessive rainfall during monsoon season and other circumstances beyond the control. They bore no relation to the design and engineering of the barrage. However, the newly elected Government, as part of their strategy to malign and discredit the previous Government and to dismantle the important infrastructural and

welfare projects executed by the previous administration, appointed the Commission of Inquiry with illegal, arbitrary and *mala fide* intentions.

8. One of the grounds to challenge G.O.Ms.No.6, dated 14.03.2024 is that it seeks to conduct *judicial* inquiry. The Commission of Inquiry constituted under Section 3 of the Act of 1952 is a fact finding inquiry and not a *judicial* inquiry. A *judicial* inquiry is not permissible under the Act of 1952. It is submitted that the recitals of the Government Order record conclusive findings on the reasons for sinking of the piers of Medigadda (Lakshmi) barrage suggesting negligence, irregularities and lack of proper care to ensure quality work in the construction of the barrages leading to major loss to the public exchequer relying on the report of the National Dam Safety Authority (NDSA). The Terms of Reference of the Commission of Inquiry are indicative of premeditated state of mind of the Government to indict the petitioner and other persons entrusted with the task of decision making, execution of the contract and the maintenance of the three barrages.

9. The learned Senior Counsel for the petitioner has referred to certain adverse findings rendered by the Commission against the petitioner without any statutory notice under Sections 8B and 8C of the Act of 1952. The decision of the erstwhile High Court of Andhra

Pradesh rendered in **K.Vijaya Bhaskar Reddy vs. Government of Andhra Pradesh**¹ has been referred to in this regard.

10. Learned Senior Counsel has, in this background, assailed the constitution of a *judicial* inquiry as being impermissible under Section 3 of the Act of 1952. The proceedings are legally biased. Section 4 of the Act of 1952 prescribes issuance of summons to secure the attendance of any person, to examine him on oath as a witness, to discover any document, to receive evidence on affidavit and requisition any public record or copy thereof. It empowers the Commission to issue commissions for the examination of witnesses or documents and any other matter which may be prescribed. The Commission has been conferred certain powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908. According to the petitioner, under Section 5 of the Act of 1952, the appropriate Government may confer additional powers upon the Commission having regard to the nature of inquiry to be made and other circumstances of the case, by notification in the Official Gazette. He has referred to the powers conferred such as, sub-section (2) which provides that the Commission can require any person to furnish any information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject

¹ 1995 SCC OnLine AP 356

matter of the inquiry. Any person so required shall be deemed to be legally bound to furnish such information within the meaning of Sections 176 and 177 of the Indian Penal Code, 1860 (IPC). He submits that for the purposes of inquiry under these provisions, the Commission is deemed to be a civil court. As per sub-section (4) of Section 5, when any offence described in Sections 175, 178, 179, 180 or 228 of IPC is committed in the view or presence of the Commission, it may forward the case to a Magistrate as per the provisions of the Code of Criminal Procedure, 1973 to hear the complaint. He submits that any proceeding before the Commission is deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of IPC, as per sub-section (5). However, these provisions do not clothe the Commission of Inquiry constituted under the Act of 1952 as a *judicial* inquiry. According to him, Section 8B of the Act of 1952 provides that the Commission of Inquiry shall give a reasonable opportunity to the person to be heard and to produce evidence, if the Commission considers it necessary to inquire into the conduct of any person, or is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry. That such person should be provided with the materials and evidence on which the Commission is likely to form an opinion touching his conduct and reputation. However, no such notice was given to the petitioner. The

only notice or summons issued on 20.05.2025 upon the petitioner required him to appear before the Commission as a witness on 09.06.2025. The petitioner himself asked for copies of the reports on 06.06.2025, which were supplied to him on 09.06.2025 only on the date of his appearance before the Commission of Inquiry. These documents relate to cabinet resolutions on this project. Learned Senior Counsel for the petitioner has also countered the contention of the respondents-State that petitioner voluntarily participated in the inquiry and since all the documents relied upon in the inquiry, including the affidavits, enquiry report and cabinet resolutions were supplied to him on his request, no prejudice has been caused to the petitioner. However, according to the petitioner, none of these documents implicate him. No incriminating materials were put to him though ultimate observations and findings by the Commission in its Report dated 31.07.2025 are prejudicial and adverse on his conduct and reputation. The petitioner was examined as Commission Witness No.114 on 09.06.2025. There are critical findings of the Commission on the petitioner, who was the then Irrigation Minister and also against the then Chief Minister (KCR). The petitioner, for the first time, came to know about these findings when they were made public by way of power point presentation before the Media in a Press Conference convened by the Chief Minister, though the Report of

the Commission had not been tabled before the Assembly. Therefore, the constitution of Commission, the manner in which the Inquiry has been conducted, the procedure adopted by the Commission during the inquiry proceedings and its findings, are vitiated and actuated by bias.

11. Learned Senior Counsel for the petitioner has referred to the decision of the apex court in **Kiran Bedi vs. Committee of Inquiry**² in support of his submission that the petitioner was not afforded an opportunity to defend himself and to cross-examine the witnesses before the adverse findings were recorded against him. Reliance has also been placed in the case of **K.Vijaya Bhaskar Reddy** (supra) to submit that a person whose conduct and reputation are likely to be affected by the enquiry has a right to cross-examine and engage a legal practitioner before the Commission of Inquiry. He submits that the High Court in that case had quashed the impugned notice under Section 8B of the Act of 1952. Reliance has also been placed on **Jai Prakash Associates Limited vs. State of Uttar Pradesh**³. Learned Senior Counsel has drawn the attention of the Court to the findings of the Commission highlighted at page 102 of the writ petition as being seriously prejudicial to the petitioner. Based on these submissions, learned Senior Counsel

² (1989) 1 SCC 494

³ 2004 SCC OnLine All 1891

had sought quashing of the Report containing the findings of the Commission with a declaration that they cannot be used against the petitioner.

W.P.No.24837 of 2025 (KCR):

12. Mr. D.Seshadri Naidu, learned Senior Counsel for the petitioner, KCR in W.P.No.24837 of 2025, who was the former Chief Minister, has adopted the submissions made by Mr. C.A.Sundaram, learned Senior Counsel. It is submitted that the petitioner, KCR has not waived off the charge of procedural violations on the ground of non-issuance of the mandatory notice under Sections 8B and 8C of the Act of 1952. There is no substantial compliance of the notice as required under Sections 8B and 8C of the Act of 1952. According to him, not only the constitution of the Commission of Inquiry under G.O.Ms.No.6, dated 14.03.2024 is *ultra vires* the Act of 1952, but also the Report submitted by the Commission is arbitrary and illegal, fit to be set aside. He has also referred to the summons dated 20.05.2025, whereby the petitioner was asked to appear before the Commission for being examined and hear him upon the Terms of Reference. In order to draw comparison, the language and substance of the summons dated 14.04.2024 issued upon the petitioner by the Commission of Inquiry headed by Justice

L.Narasimha Reddy, Former Chief Justice of Patna High Court, to enquire into the correctness and propriety of the decisions taken by the erstwhile Government of Telangana concerning power procurement from Chhattisgarh by the State DISCOMs and the award of contracts relating to the Bhadradi and Yadadri Thermal Power Projects without competitive bidding, have been adverted to. He submitted that though the form and substance of the summons dated 14.04.2024 also not fully meet the requirement of Section 8B of the Act of 1952 but to some extent a reasonable opportunity was given to defend himself against materials and findings, which were likely to lead to adverse findings upon his conduct and reputation, whereas the summons dated 20.05.2025 issued by the present Commission of Inquiry required the petitioner to appear as a witness and depose before the Commission.

13. Learned Senior Counsel for the petitioner has also sought to explain that the powers of the Commission under Sections 4 and 5 is for collection of evidence by requiring the presence of a person as witnesses and for production of documents. Section 8B of Act of 1952, inserted by the Act 79 of 1971, with effect from 30.12.1971, on the other hand specifically grants reasonable opportunity to defend oneself if in the opinion of the Commission, any findings rendered by it are likely to

affect the conduct or reputation of such a person. These are two stages in the conduct of any such enquiry by the Commission. Section 8C confers the right to cross-examine and be represented by a legal practitioner to any such person whose conduct or reputation is likely to be impeached on the basis of materials collected during such enquiry. Rule 4 of the Commissions of Inquiry (Central) Rules, 1972 (hereinafter referred to as 'Rules of 1972') lays down the procedure for issue and service of summons. Rule 5 provides for procedure of inquiry. He has also contested the stand of the respondents-State that since the petitioner had participated in a challenge to the Commission of Inquiry headed by Justice L.Narasimha Reddy, Former Chief Justice of Patna High Court, in W.P.No.16588 of 2024, he was familiar with the procedure of such enquiry and after voluntarily participating in the inquiry waived his right. Learned Senior Counsel has also made the copious reference to the findings rendered by the Commission on the alleged irregularities committed by the petitioner, but the mandatory requirement of reasonable opportunity to defend himself under Section 8B was denied to him. According to him, there is a subtle distinction between the provisions of Section 5(2) and 8B of the Act of 1952. He has referred to the Report of Lord Salmon on the 'Royal Commission on Tribunals of Inquiry, 1966' which lays down six cardinal principles to be followed by

any such Tribunals while conducting any such inquiry. He submits that the Inquiries Act, 2005 framed by UK prescribes various safeguards regarding production of evidence and publication of reports which have a tendency of indict the conduct or reputation of a person. In conclusion, he has assailed the findings of the Commission as being vitiated due to serious violation of the procedure laid down and principles of natural justice.

W.P.No.29352 of 2025 (SS):

14. Mr. J.Ramachandra Rao, learned Senior Counsel appearing for the petitioner, SS who was the Additional Secretary to the Chief Minister for the State of Telangana, has largely adopted the submissions made by learned Senior Counsels, Mr. C.A.Sundaram and Mr. D.Seshadri Naidu. He has submitted that the summons dated 12.07.2024 issued upon her was only to attend a meeting with the Chairman of the Commission of Inquiry. There is a significant difference between the summons issued on this petitioner, SS and that of the other petitioners, THR and KCR. The petitioner, on being asked, had filed an affidavit on 01.08.2024 explaining the nature of the duties allotted to her, while at the same time stating that she had no role in planning or execution of the work of these barrages. She was

telephonically asked to appear and depose before the Commission on 19.12.2024 without any further summons or notice as required under Section 8B of Act of 1952. The petitioner, in due obedience appeared and answered all the questions which are in relation to her administrative responsibilities. No questions were put to the petitioner containing allegations against her conduct or reputation, neither were any documents supplied to her. However, the Commission rendered adverse findings against the petitioner as are reflected at page 90 of the writ petition. As such, her fundamental right to reputation which is a facet of right to life under Article 21 of the Constitution of India has been violated without following the mandatory procedure prescribed under Section 8B of the Act of 1952. Learned Senior Counsel for the petitioner has also sought to explain the significance of Sections 8B and 8C of the Act of 1952, inserted by way of Act 79 of 1971, with effect from 30.12.1971, to accord reasonable opportunity to a person whose conduct and reputation are likely to be affected by, in the opinion of the Commission. He has therefore sought for quashing of the Report of the Commission.

W.P.No.26367 of 2025 (SKJ):

15. Mr. Tarun G.Reddy, learned counsel for the petitioner, SKJ in W.P.No.26367 of 2025 has referred to the credentials of the petitioner, an Officer of Indian Administrative Service, 1984 batch. He had retired on 31.12.2019. He has submitted that the Kaleshwaram project was started in the year 2016 and was completed on 21.06.2019. One of the piers of Medigadda barrage collapsed on 21.10.2023 four years after his retirement. Learned counsel Mr. Rao has also questioned the constitution of a *judicial* inquiry as contrary to Section 3 of the Act of 1952. He has also referred to the decision of the apex court in **Ram Krishna Dalmia vs. Justice S.R.Tendolkar**⁴ that the Commission of Inquiry constituted under the Act of 1952 is only a fact finding enquiry whose reports are not adjudicatory in nature. It is further submitted that the petitioner got summons on 08.07.2024 to attend a meeting with the Chairman of the Commission. He filed an affidavit on 21.07.2024 detailing his roles and responsibilities during the period when the Project was being executed. Thereafter, he was telephonically called to give evidence on 18.12.2024. During his examination, he answered a number of questions posed by the Commission. However, the Commission did not follow mandatory requirement under Section 8B of

⁴ AIR 1958 SC 538

the Act of 1952 by providing adverse materials collected by it during the course of inquiry in order to properly defend himself. No reasonable opportunity was provided to the petitioner as per Sections 8B and 8C of the Act of 1952.

16. Learned counsel for the petitioner has also relied upon **Jai Prakash Associates** (supra) on the requirement of Rule 5(2)(a) and (b) of the Rules of 1972 *vis-a-vis* Section 8B of the Act of 1952. He has referred to **Canara Bank vs. Debasis Das**⁵ and submitted that every material adverse to the petitioner had to be supplied for properly defending himself. He has also countered the stand of the respondents-State in their counter affidavit that petitioner having voluntarily participated in the inquiry had acquiesced in the proceedings. He has relied upon the case of **State of Uttar Pradesh vs. Uttar Pradesh Rajya Khanij Vikas Nigam Sangharsh Samiti**⁶ to submit that there is no estoppel against the statute. If Sections 8B and 8C of the Act of 1952 require a notice upon the person, such requirement cannot be said to have been waived by the petitioner. Based on these submissions, he has prayed that the writ petition deserves to be allowed.

⁵ (2003) 4 SCC 557

⁶ (2008) 12 SCC 675

SUBMISSIONS OF THE RESPONDENTS No.1 AND 2-STATE:

17. The response of the respondents-State is led by Dr. A.M.Singhvi, learned Senior Counsel appearing in W.P.No.24835 of 2025 preferred by THR. His submissions, at the outset, are broadly based on the constitution of the Commission of Inquiry. According to him, if the contention of the petitioner is accepted, it would amount to denudation of the State's power to constitute a Commission for undertaking a fact finding enquiry under the Act of 1952, where acts of negligence and deliberate malfeasance come to light in discharge of public duties by the people in power and agencies. By the very nature of its constitution, the Commission is empowered to conduct a fact finding enquiry than taking any coercive action on its own. It is well settled that the Report of the Commission cannot be acted upon *proprio vigore* i.e., on its own. A decision is required to be taken on the findings of the Commission by the competent authority for taking any action against any person or agencies. The Government has handed over the matter to the CBI to conduct investigation into the allegations of irregularities, embezzlement of public funds, and corrupt practices etc., in the construction of Medigadda, Annaram and Sundilla barrages of

Kaleshwaram Irrigation Project against the accused persons, including public servants and private persons, companies etc., in view of the Reports of the National Dam Safety Authority and the findings of the Commission of Inquiry.

18. It is contended that the petitioners have laid a challenge to the constitution of the Commission of Inquiry as an afterthought after voluntarily participating in its proceedings. Their entire submissions are based on non-compliance of Section 8B of the Act of 1952, or lack of its reference in the summons though it does not lead to their prejudice. The petitioners are essentially insisting upon form over substance. The constitution of the Commission of Inquiry was the outcome of a multilayered institutional thinking, where the Government has taken into account the Reports such as the National Dam Safety Authority, which opined that the piers had sunk due to a combination of issues involving lacunae and negligence in planning, design, quality control and Operation and Maintenance (O&M) of the barrage. The Commission of Inquiry confirmed grave irregularities across conceptualization, planning, design, construction, contract award, execution, O&M, quality control and financial managements. It found that there was deliberate suppression of the Expert Committee Report, which advised against the

Medigadda site. There was violation of Article 166 of the Constitution of India and the Government Rules of Business in not ratifying the administrative approvals by the Council of Ministers. It has caused an annual debt burden of Rs.12,826 crores. The Report has been meticulously compiled with reference to various government records, orders and communications, which were all in the knowledge of the petitioner. The learned Senior Counsel for the respondents-State has made detailed references to the Commission's Report, which includes the role of the petitioner, THR as a Minister of Irrigation and a Minister of Finance and also the Chief Minister, KCR. The Commission collected large number of affidavits, made physical inspection of the sites and referred to the Reports of the National Dam Safety Authority and the Expert Committee constituted by the Government and examined the role of the petitioner, THR as Minister of Irrigation was examined. It took note that no clearance was taken from the Central Water Commission. It has referred to the Report of the High Power Committee, which did not recommend construction of these barrages at the relevant sites. It also found that there was no approval of competent authority in issuing G.O.Rt.No.776, dated 27.10.2015. The Commission found that the Government has not considered the Report of the Expert Committee which recommended against constitution of barrage at Medigadda site.

Moreover, the Cabinet Sub-committee did not refer to the construction of barrages at Medigadda, Annaram and Sundilla. The Commission also found that the High Power Committee and the State Level Standing Committee were not in picture in proposing/planning to entrust consultancy services to WAPCOS. He has further referred to the huge cost estimates in execution of the Project in the Report. The Commission had prepared a set of questions and also recorded clinching evidence on the irregularities committed during planning, designing and execution of the Project and design issues. In conclusion, the Commission had found that the High Power Committee did not recommend for construction of barrage at Medigadda. It was the sole decision of the then Chief Minister and the petitioner, who was the Irrigation Minister. The Commission also found that three barrages were constructed as reservoirs/dams, but they failed to design them as reservoirs/dams. Approximately Rs.87,449 crores was sanctioned for execution of the project including interest. An amount of Rs.6,519 crores was paid as interest. The petitioner was involved in these decisions as a Minister of Irrigation. The project cost initially estimated at Rs.81,911.01 crores has risen to Rs.1,47,427.41 crores on completion, as per the Report of the Comptroller and Auditor General of India. The power of the Commission to conduct a fact finding enquiry under the

Act of 1952 is therefore not open to challenge on the grounds raised by the petitioner.

19. The petitioner has, after submission of the Report, made an attempt to dislodge the elaborate findings recorded by the Commission after participating in the inquiry and having availed adequate opportunity of hearing. The petitioner tendered his deposition as C.W.114 on 09.06.2025 upon service of summons and also filed documents in support of his case, which were marked as Exhibits. The proceedings were conducted in-camera at the request of the petitioner. He did not raise any objection regarding the procedure adopted by the Commission and chosen not to exercise any statutory right available to him, he is estopped from alleging violation of Sections 8B and 8C of the Act of 1952, or breach of principles of natural justice. Therefore, the plea that he was merely summoned as a witness or that the inquiry was biased is an afterthought and untenable in the light of his conscious participation in the proceedings.

20. The petitioner did not seek cross-examination of any witness under Section 8C of the Act of 1952, nor did he seek any additional records beyond those furnished. The Act does not prescribe any specific format for notice under Section 8B or 8C of the Act of 1952. Therefore,

the absence of any reference to the statutory provision does not vitiate the proceedings. The Commission's Report is founded on government records and the proceedings reflect substantial compliance of the Act of 1952 and requirement of fairness. Therefore, the Commission cannot be faulted for not *suo motu* offering wholesale cross-examination of over 119 witnesses when the petitioner did not invoke the right under Section 8C of the Act of 1952, in any manner.

21. Dr. A.M.Singhvi, learned Senior Counsel for the respondents-State submitted that the Commission of Inquiry is not a court. The culpability of an individual will be determined by a competent court of law following a rigorous statutory investigation, which has now been ordered through the CBI. The petitioner's contention that the Terms of Reference is *ultra vires* the Act of 1952 is misconceived. He has referred to the decision of **Ram Krishna Dalmia** (supra). It is submitted that the Hon'ble Supreme Court in a catena of decisions has constantly held that while a Commission cannot act as a court to impose punishment, it is fully competent to inquire into the conduct of individuals to recommend legislative or administrative measures. The mandate of G.O.Ms.No.6, dated 14.03.2024 to fix responsibility for the lapses identified does not transgress its boundary. It merely identifies administrative and financial

lapses to enable informed decision making in the realms of policy correction, departmental action. It neither adjudicates guilt nor imposes consequences. He has relied upon the case of **T.T.Antony vs. State of Kerala**⁷ in support. According to him, the Report of the Commission dated 31.07.2025 is founded exclusively on official Government records. He submits that the principles in **Kiran Bedi** (supra) and **State of Bihar vs. Lal Krishna Advani**⁸ are not applicable in the present case. The case of **Lal Krishna Advani** (supra) does not lay down that every report containing adverse observations must be quashed. In that case, Advani was not given any notice. Hence, the Court held that the notice to the person is essential.

22. In the present case, the petitioner was served with a formal notice dated 20.05.2025 and appeared before the Commission on 09.06.2025, tendered his testimony, sought and obtained relevant records and raised no objection either to jurisdiction or procedure. He has distinguished the case of **P.V.Jagannath Rao vs. State of Orissa**⁹ and submitted that the said decision merely reiterates that an administrative action may be invalidated if its dominant purpose lies outside the statute. In the present case, the dominant purpose of G.O.Ms.No.6 squarely falls within the

⁷ (2001) 6 SCC 181

⁸ (2003) 8 SCC 361

⁹ 1968 SCC OnLine SC 46

scope of Section 3 of the Act of 1952. The challenge, therefore, proceeds on a misreading of both the statutory framework and the settled law governing Commissions of Inquiry.

23. It is further submitted that the allegation that the inquiry is a political stratagem is baseless. The inquiry was necessitated by objective, undeniable facts: the structural collapse of the Medigadda barrage and the National Dam Safety Authority's Reports on quality control and planning failures. The State has a constitutional duty to protect the public exchequer. The Commission of Inquiry has completed the task in strict adherence to the Act of 1952 and its findings are based on official records. The State accepted the Report and handed over the matter for investigation to CBI.

24. Learned Advocate General appeared for the respondents-State in W.P.No.24837 of 2025, which has been preferred by the petitioner, KCR. He has adopted the broad submissions made by Dr. A.M.Singhvi, learned Senior Counsel. Besides that he has referred to the findings of the National Dam Safety Authority, which are incorporated in G.O.Ms.No.6, dated 14.03.2024. According to him, the Terms of Reference contained in said G.O., are not premeditated or prejudged.

25. He submits that in the case of **P.V.Jagannath Rao** (supra) similar terms of enquiry were in question. In the said Commission of Inquiry, the Terms of Reference named persons also in the Schedule, against whom the Commission was asked to conduct enquiry. He has also referred to the case of **P.Janardhana Reddy vs. State of Andhra Pradesh**¹⁰ where though the High Court had quashed the constitution of Commission of Inquiry, the Hon'ble Supreme Court proceeded to set aside the judgment of the High Court. He has refuted the attack made by the petitioner on the expression '*judicial inquiry*' used in the impugned G.O.Ms.No.6, dated 14.03.2024, by submitting that the Commission of Inquiry has been constituted under the Act of 1952. Since it is headed by a former Judge, the said expression has been used. The Commission has identified its duties within the scope and mandate of the Act of 1952. Therefore, the use of expression '*judicial*' does not render it anything other than the Commission of Inquiry under the Act of 1952. He has also referred to the case of **Ram Krishna Dalmia** (supra), where at paras 8 and 9, it has been held that the Report of the Commission under the Act of 1952 does not apply *proprio vigore*. Learned Advocate General has referred to the recommendation of the High Power Expert Committee. He has submitted that the administrative approval was

¹⁰ (2001) 6 SCC 50

granted for construction of Medigadda Barrage and for Annaram Barrage by the petitioner, KCR. He has also referred to the findings of the Commission of Inquiry to show that present petitioner as Chief Minister and the petitioner, THR as Irrigation Minister had full knowledge of the planning, construction and completion of the three barrages and were fully aware of the scope of the inquiry.

26. Learned Advocate General has referred to the Report of the Comptroller and Auditor General of India (CAG) on performance audit which refers to the Report of the Commission of Inquiry. The CAG Report was tabled before the Legislature on 15.02.2024. The executive summary of the CAG Report has made strong observations as regards the construction of these barrages. He points out that the petitioner was asked to appear after examination of all others was completed. The petitioner was aware of nature of the proceedings since he had challenged the similar Commission of Inquiry constituted by the State Government appointing Justice L.Narasimha Reddy, Former Chief Justice of Patna High Court, by filing W.P.No.16588 of 2024. Learned Advocate General has also distinguished the case of the **Lal Krishna Advani** (supra), where no notice was issued to Mr. Advani. He submits that the petitioner has been given fair hearing as prescribed under

Section 8B of the Act of 1952. There is no specific format for notice under Sections 8B and 8C of the Act of 1952. Therefore, substantive fairness had been followed. Mere non-mentioning of a provision does not render the notice fatal or illegal. He has referred to **P.K.Palanisamy vs. N.Arumugham**¹¹. He has cited the case of **N.Mani vs. Sangeetha Theatre**¹² on the proposition that mere non-mentioning of Section 8B of the Act of 1952 in the summons issued upon the petitioner would not nullify it. He has also relied upon the case of **K.L.Tripathi vs. Union of India**¹³ on the requirement of showing real prejudice in matters of compliance of principles of natural justice. All that is required to be done is fair play in action. The petitioner has not disputed that he was not given the statement of witnesses or documents. In order to substantiate the submission, he has placed reliance on **Union of India vs. Bishamber Das Dogra**¹⁴. He has submitted that the Government has handed over the investigation to the CBI in the matter of construction of Medigadda, Annaram and Sundilla barrages of Kaleshwaram Irrigation Project. He has relied upon the learned Single Bench judgment of the Punjab and Haryana High Court in

¹¹ (2009) 9 SCC 173

¹² (2004) 12 SCC 278

¹³ (1984) 1 SCC 43

¹⁴ (2009) 13 SCC 102

C.W.P.No.23285 of 2018 and on **State of Karnataka vs. Union of India**¹⁵ .

27. Learned Advocate General has later pointed out that notices to the two petitioners, SKJ and SS were of the same nature and content as to other witnesses. However, it is submitted that the notices issued to the petitioners, THR and KCR were different from other witnesses. Based on these submissions, learned Advocate General has prayed that the writ petition being devoid of merit and fit to be dismissed.

28. Mr. P.Sri Raghu Ram, learned Senior Counsel has appeared for the respondents-State in W.P.No.29352 of 2025, filed by the petitioner, SS. It is submitted that the petitioner has also made similar challenge to the G.O., and the findings of the Report of the Commission of Inquiry on the grounds that the findings of the Commission prejudicially affect her conduct and reputation and are violative of Article 21 of the Constitution of India. The petitioner was served notice dated 12.07.2024 to attend the meeting with the Chairman of the Commission on 15.07.2024 at 12.30 pm. The petitioner had been granted a reasonable opportunity of hearing. The petitioner filed an affidavit on 01.08.2024 in

¹⁵ (1977) 4 SCC 608

compliance to the notice issued upon her and was thereafter asked to appear before the Commission and examined as C.W.95, on 19.12.2024.

29. Mr. Sri Raghu Ram, learned Senior Counsel has referred to the Rules of 1972, which govern the requirement of notice under Rule 5 or Section 8B of the Act of 1952. According to him, the Commission of Inquiry fully followed the procedure prescribed in law. He has referred to the counter affidavit, i.e., I.A.No.1 of 2026 which contains the remarks of the Commission against the petitioner. According to him, all government orders were shown to her though she could not answer properly. Therefore, the Commission has commented that she was not diligent. The opinion of the Commission is, therefore, based on materials placed before it after a reasonable opportunity to the petitioner. He has referred to Rule 4(2) of the Rules of 1972 which provides for giving evidence and for producing documents. Rule 5(2)(a) provides for opportunity of hearing to the person. Rule 5(2)(b) also prescribes notice to the person acquainted with the subject matter. Rule 5(3) requires submission of affidavit. The petitioner did not complain of lack of notice or materials as she was aware about the nature of the documents on which she was asked to depose. The petitioner being an Officer of

Indian Administrative Service stands on a different footing and is governed by the All India Services (Conduct) Rules, 1968.

30. It is submitted that the findings of the Commission in respect of the petitioner are at pages 161 to 167 of the Report. They conclusively establish her involvement and dereliction of duty. At page 161 of the Report, the Commission considered her affidavit dated 01.08.2024 and her oral statement. In her oral examination at pages 161 to 163 of the Report, the petitioner admitted that she had knowledge of placing matters before the Cabinet and stated that all proposals to the barrages were placed before the Cabinet for approval. Based on the documentary evidence, the Commission concluded that she has violated the Business Rules, which as an Officer of Indian Administrative Service she was obligated to follow. The learned Senior Counsel sought to distinguish the decisions relied upon by the petitioner in **Kiran Bedi** (supra), **Lal Krishna Advani** (supra), **Sanjay Gupta** (supra), **Jai Prakash Associates** (supra) and with that of **Ram Krishna Dalmia** (supra) and **Vijay Bhaskar Reddy** (supra) relied on during the course of arguments.

31. It has been contended that since the findings of the Commission are on pure question of facts, they cannot be decided under the writ jurisdiction. Therefore, this Court may refuse to interfere in the matter.

32. Mr. S.Niranjana Reddy, learned Senior Counsel has appeared for the respondents-State in W.P.No.26367 of 2025, preferred by the petitioner, SKJ, who was the Chief Secretary when the project was conceived and under execution. He had superannuated on 31.12.2019. In the written submissions on behalf of the State, broadly the same grounds had been taken as in the case of other petitioners. Learned Senior Counsel submits that in the present batch of cases, there are 11 other persons, who are bureaucrats and Engineers against whom also certain findings or remarks have been made by the Commission of Inquiry in the Report. However, such findings are not admissible in evidence. Therefore, those officers/engineers have not chosen to lay any challenge to the Report. A careful perusal of the findings of the Commission would show that there are no findings on their personal conduct or reputation on any of them. The findings against the petitioners are only in respect of discharge of their public duties. The petitioners were supplied all the documents which were relevant and formed the basis for the Commission's Report. Even if the contention of the petitioners on the issue of service of notice under Sections 8B and 8C of the Act of 1952 is accepted, nothing turns out upon that as the Commission has not commented upon their conduct or personal reputation. He has referred to

the case of **R. Rajagopal alias R.R. Gopal vs. State of Tamil Nadu**¹⁶ and submitted that if the petitioner cannot succeed in a suit for damages on the findings recorded by the Commission, they obviously cannot succeed in writ jurisdiction. Leaned Senior Counsel has also referred to the Reports of the National Dam Safety Authority, the CAG regarding the sinking of the piers, the change of the dam site and the staggering cost involved in the project. According to him, in **State of J&K v. Bakshi Gulam Mohammad**¹⁷, the petitioner had demanded the statements of more than 400 witnesses, examined by the Commission, which was turned down by the Hon'ble Supreme Court. It is submitted that the scope and purpose of such an enquiry is to render the findings on the discharge of public duties by persons like the petitioners. If the contention of the petitioner that each and every statement of a witness and the documents were to be supplied to the petitioner before examining him, the functioning of the Commission of Inquiry would be rendered unworkable. The petitioner had served as a Principal Secretary and Special Chief Secretary to the Government, Irrigation and Command Area Development Department between 12.01.2015 and 31.01.2018 and thereafter as Chief Secretary from 01.02.2018 to 31.12.2019. In his affidavit and oral examination, he had admitted that

¹⁶ (1994) 6 SCC 632

¹⁷ AIR 1967 SC 122

he was responsible for overall coordination within the Irrigation Department of the newly formed State of Telangana and for securing statutory and administrative clearances from the Government of India in relation to the Pranahita - Chevella Lift Irrigation Scheme. Notwithstanding this admitted responsibility, the Commission found that he was unable to recollect whether the proposal for construction of the barrages was placed before the High Power Committee, the State Level Standing Committee or the Expert Committee constituted under G.O.Rt.No.28, dated 21.01.2015 thereby demonstrating lack of diligence in matters of critical importance. The Commission further relied upon G.O.Rt.No.776, of Irrigation and Command Area Development Department (Project-II) dated 27.10.2015, which accorded Government approval for modifications recommended by the High Power Committee for Packages 6 to 8 and 10 to 12 under PCSS project. The Government Order was issued by the petitioner himself. The Commission held that a Cabinet Sub-committee was constituted under G.O.Rt.No.655, GAD (Cabinet) Department, dated 07.03.2016 to examine issues relating to re-engineering of major irrigation projects. Pursuant to the report of the Cabinet Sub-committee, G.O.Rt.Nos.607 to 611, dated 30.06.2016 were issued. All these Government Orders were signed by the petitioner. The Commission, on appreciation of his answers, found his evidence to be

inconsistent, lacking coherence, reinforcing the conclusion that his version could not be relied upon. The Commission further examined the Inter-State Board Meeting held on 23.08.2016 attended *inter alia* by the then Chief Minister, concerned Ministers and the petitioner as Special Chief Secretary, I&CAD Department. The Commission, after taking note of it, concluded that the Special Chief Secretary failed to exercise due diligence and propriety though the project led to considerable burden on the exchequer. The Commission further recorded that the Report of the Expert Committee constituted under G.O.Rt.No.28, dated 21.01.2015 was not considered by the Government, which resulted in enormous loss to the public exchequer. The Commission at page 547 of the Report observed that the petitioner in his dual role as Principal Secretary to Government, I&CAD Department and Chairman of the Kaleshwaram Irrigation Project Corporation Limited (KIPCL) could not feign ignorance of the Government Order mandating that projects undertaken by KIPCL shall be Turn Key projects. This act of putting up a note proposing a departure from the approved Turn Key model to EPC/LS mode was held to be contrary to binding Government policy and reflective of administrative impropriety. Therefore, the findings of the Commission against the petitioner are based on substantial evidence, logical inference and established administrative norms, and fully justify

the conclusions and recommendations made therein. Based on these submissions, learned Senior Counsel for the State, Mr. Niranjan Reddy has also prayed that the writ petition is devoid of any merit and is fit to be dismissed.

33. Reply submissions had been made by Mr. D.Seshadri Naidu on behalf of the petitioner (KCR) in W.P.No.24837 of 2025. He submits that the test of prejudice is to be seen in a case of violation of principles of natural justice. He has referred to the case of **Management of M/s. Nally Bharat Engineering Company Limited vs. State of Bihar**¹⁸. He has once again referred to the notice issued under Section 8B of the Act of 1952 headed by Justice L.Narasimha Reddy, Former Chief Justice of Patna High Court. According to him, waiver has no application as public interest have been statutorily safeguarded by introduction of Sections 8B and 8C of the Act of 1952. It is mandatory to issue notice in a case where the conduct and reputation of any person are likely to be affected by the opinion of the Commission. He has countered the submissions based upon the alleged escalation of cost in the execution of the project. He submits that the Kaleshwaram Lift Irrigation Project initially conceived at Rs.80,190 crores in the year 2017, got increased to the revised estimate of Rs.1,27,000 crores, which is only 1.59 times the

¹⁸ (1990) 2 SCC 48

original estimates. It is much less compared to other public projects executed across the country. He further submits that the Report of the CAG has no probative value. The contention of the State's Senior Counsel that there was no attack on personal reputation of the petitioner does not have any merit. He has also distinguished the case of **Bakshi Gulam Mohammad** (supra), where the petitioner had asked for 400 affidavits which the Supreme Court held that it would lead to a situation where the proceedings would be unterminable. According to him, the absence of a proper notice under Section 8B of the Act of 1952 and right to cross-examination under Section 8C of the Act of 1952 is writ large on the face of the Report. Therefore, the contention to the contrary by the State's Senior Counsel cannot be sustained.

34. Mr. J.Ramachandra Rao, learned Senior Counsel for the petitioner (SS) in W.P.No.29352 of 2025 has also reiterated his submissions on non-compliance of the requirement of Section 8B of the Act of 1952. He has referred to the case of **Khem Chand v. Union of India**¹⁹ and **Subramanian Swamy vs. Union of India**²⁰ on the right to reputation. According to him, several statutory clearances were taken before the project was launched. There was no infirmity in the planning

¹⁹ AIR 1958 SC 300

²⁰ (2016) 7 SCC 221

or design of the project or fault or negligence on the part of the petitioner.

35. Mr. Tarun G. Reddy, learned counsel for the petitioner (SKJ) in W.P.No.26367 of 2025 has also replied on the same lines. He submits that the doctrine of substantive compliance on the requirement of a statutory notice under Section 8B of the Act of 1952 is not applicable in the instant case. He has again referred the case of **Lal Krishna Advani** (supra) and **Bakshi Gulam Mohammad** (supra) in support of the submission that the findings of the Commission without reasonable opportunity to the petitioner and without furnishing the incriminating material are unsustainable in law and on facts.

Discussion and Analysis:

36. We have heard learned counsel for the parties at length. We have also taken note of the relevant materials relied upon by learned counsel for the parties and placed from record. We have also perused the decisions cited by the rival parties.

37. The writ petitioners question the *vires* of G.O.Ms.No.6, dated 14.03.2024 as being illegal, arbitrary, unconstitutional and *ultra vires* the provisions of the Commissions of Inquiry Act, 1952. However, the

petitioner, SKJ has not laid any challenge to G.O.Ms.No.6, dated 14.03.2024. All the writ petitioners have assailed the findings of the Commission headed by Sri Pinaki Chandra Ghose, Former Judge of Supreme Court of India, against them as being prejudicial, scurrilous, *mala fide* and in violation of provisions of Sections 8B and 8C of the Act of 1952 and in violation of principles of natural justice.

38. Both the parties have referred to copious materials from record to substantiate their stand on the aforesaid challenge. Therefore, based upon the submissions of learned counsel for the parties and pleadings on record, two essential issues arise for adjudication by this Court.

(i) Whether the constitution of the Commission of Inquiry under Section 3 of the Commissions of Inquiry Act, 1952, vide G.O.Ms.No.6, dated 14.03.2024 is arbitrary, illegal and *ultra vires* the Constitution of India and the Commissions of Inquiry Act, 1952?

(ii) Whether the findings rendered by the Commission are prejudicial to the conduct and reputation of the petitioners without following the statutory safeguard provided under Sections 8B and 8C of the Commissions of Inquiry Act, 1952 and thereby in violation of the principles of natural justice?

39. Both the issues are dealt with hereinafter. In order to appreciate the controversy surrounding the first issue relating to the constitution of the Commission of Inquiry, it is pertinent to refer to G.O.Ms.No.6, dated 14.03.2024, which is usefully extracted hereunder:

GOVERNMENT OF TELANGANA
ABSTRACT

COMMISSIONS - Commission of Inquiry under the Commissions of Inquiry Act, 1952 (Central Act 60 of 1952) - Appointment of Justice Sri Pinaki Chandra Ghose, Former Judge of Supreme Court of India to conduct Judicial Inquiry on certain allegations of irregularities and embezzlement of public funds by corrupt practices in constructing the barrages of Medigadda, Annaram and Sundilla of Kaleshwaram Project - Orders - Issued.

IRRIGATION AND CAD (Projects-IV) DEPARTMENT

G.O.Ms.No.6.

Dated: 14/03/2024

ORDER:

The Hon'ble Supreme Court of India has time and again held that Government contracts involve expenditure out of the public exchequer. Therefore, the moneys expended must not be spent arbitrarily. The procurements should be made at best price and the process should be transparent. The State does not have absolute discretion while spending public money. All government actions including government contracts awarded by the State must be tested on the touchstone of Article 14 and the process must not be discriminatory.

2. In the year 2015, the Government of Telangana proposed to construct the Kaleshwaram Lift Irrigation Project at an estimated cost of approximately 81,911 Cr. to irrigate a new ayacut of 19.63 lakh acres besides stabilization of ayacuts under existing projects, and supply of water to industries and drinking water purposes. Kaleshwaram Project envisages construction of 3 Barrages across river Godavari at Medigadda, Annaram & Sundilla, and lifting water in reverse direction through a system of large pumps, pressure mains and gravity canals into the existing Yellampally Project. From there onwards, Kaleshwaram Project is almost similar to Dr.B.R.Ambedkar Pranahita-Chevella Sujala Sravanthi

Project with enhanced capacities of Reservoirs and distributary system.

3. The works of Construction of Medigadda Barrage were entrusted to M/s.L&T-PES JV with final estimate of the Barrage approved for Rs.4613.00 Crores. Annaram barrage works were entrusted to AFCONS-VIJETHA-PES JV with final estimate approved for Rs.2734.81 Crores. Sundilla barrage works were entrusted to M/S NAVAYUGA- GMW JV and final estimate was approved for Rs.2111.10 Crores.

4. Kaleshwaram project was planned to be entirely based on loans raised by a newly formed SPV, the Kaleshwaram Irrigation Project Corporation Ltd. (KIPCL). Loans to a tune of Rs.87,449.16 Crores were sanctioned from Banks and Financial Institutions of Government of India resulting in principal repayment and interest commitment of Rs.12,826 Crores to Government per year.

5. Since the project envisages lifting of a huge quantity of water through multiple stages, the cost of power burden if the project is run at full capacity works out at a prohibitive cost of Rs.10,374.56 Crores per annum.

6. On 21.10.2023, some of the piers of Medigadda Barrage sank into the river bed.

7. On 22.10.2023, National Dam Safety Authority (NDSA) constituted a committee to examine the reasons for sinking of the piers of Medigadda (Lakshmi) Barrage. The NDSA committee inspected Medigadda Barrage on 24.10.2023 and communicated the report to Government on 01.11.2023. The broad findings of the Committee are inter alia as follows:

- i) The Committee reported that the Piers had sunk due to a combination of issues involving lacunae and negligence in planning, design, quality control and Operation and Maintenance (O&M) of the barrage.
- ii) The Committee further opined that the distress condition developed is adversely affecting the functionality of the barrage. The barrage under the present condition is rendered useless until fully rehabilitated.
- iii) The Committee was of the view that, filling the reservoir in the present condition would worsen the barrage's health and should not be resorted to.
- iv) The Committee observed that the two barrages constructed upstream of Medigadda under the Kaleshwaram Project, viz: Annaram and Sundilla barrages, have similar design

and construction methodologies, making them prone to similar failure modes.

8. It is also apparent from the Report that after the inauguration of the Project no operations and maintenance was carried out by either the private Agency or by the concerned Department. In fact such acts are even against the Standard Clauses which were in relation to the maintenance of a Dam.

9. It has also come to light through certain reports that during the construction of the dam, certain deviations were approved without appropriate inspection notes. It appears that even the Defect Liability Period was changed even when work was pending. The facts which have surfaced by the way of Reports indicate that the Government Departments and even the private agency were negligent in undertaking their responsibilities towards *inter alia* construction and repair and upkeep of the dam which has resulted into damages. It is *prima facie* indicated that certain deliberate omissions and commissions on part of functionaries have happened which has resulted into the present situation.

10. The deviations in the Standard contract and the manner in which certain aspects of the project construction of certain blocks were undertaken indicate that interests of general public and state exchequer has been compromised to favour a select few.

11. From the content of the report, and the visible evidence of the damage that has occurred to the structure, it appears that certain irregularities, lack of proper care to ensure quality work, gross negligence in execution and monitoring of the work, and other malpractices, lacunae have taken place in the construction of the barrages at Medigadda, Annaram and Sundilla, leading to major losses to the public exchequer.

12. The casual approach towards the upkeep and safety of the dam itself compels the Government to look into the entire conspectus of events and get to the root of the matter.

13. Therefore, Government of Telangana is of the opinion that it is necessary to appoint a Commission of Inquiry to inquire into the events and circumstances connected with the construction of the barrages at Medigadda, Annaram and Sundilla into the said allegations of irregularities resulting in huge losses to the public exchequer.

14. The following Notification shall be published in an Extraordinary issue of the Telangana State Gazette, dated: 14/03/2024.

NOTIFICATION-I

WHEREAS Government of Telangana is of the opinion that it is necessary to appoint a Commission of Inquiry to inquire into the events and circumstances connected with the construction of the barrages at Medigadda, Annaram and Sundilla into a definite matter of public importance hereinafter specified.

2. Now, THEREFORE, in exercise of powers conferred by Section 3 of the Commissions of Inquiry Act, 1952 (Central Act No.60 of 1952), the Government of Telangana hereby appoint Justice Sri Pinaki Chandra Ghose, Former Judge of Supreme Court of India, as Commission of Inquiry to conduct Judicial Inquiry on certain allegations of irregularities and embezzlement of public funds by corrupt practices in constructing the barrages of Medigadda and Annaram Reservoirs of Kaleshwaram Project.

3. The above Commission of Inquiry shall have the following Terms of Reference for inquiry:

- i. To enquire into the negligence, irregularities and lacunae in Planning, Designing and Construction of Medigadda, Annaram and Sundilla Barrages.
- ii. To enquire into the manner of award and execution of Contract including but not limited to deviations in the contract and following of the strict financial discipline in the execution of such Contract.
- iii. To enquire into the negligence and lacunae in Operation & Maintenance of three barrages by the agencies concerned and the Department, thereby leading to major damage to the structure.
- iv. To enquire into the Quality Control & Monitoring aspects, negligence and other malpractices by the agencies/ contractors and the Department.
- v. To enquire, identify and fix up responsibilities for any authority/official who extended undue favours to the Agencies/ contractors in terms of allowing unjustified EOTS (extension of time), wrong completion of work certificates, premature releasing of Bank Guarantees, and such other matter.
- vi. The Commission shall fix responsibilities for the lapses identified by it during its enquiry into the above matters and financial implications on the lapses identified.
- vii. Any other matter that might be referred by the Government at a later date.

4. The Commission will hold its sittings at Hyderabad and will complete its Inquiry and report to State Government by 30th June, 2024.

5. The Engineer-in-Chief (General), Irrigation & CAD Dept. shall make arrangements for the remuneration, office accommodation, mobility, staff, communication and other necessary infrastructure to conduct the said Inquiry.

6. All the officers concerned shall hand over immediately all requisite documents and material evidence to the Commission of Inquiry.

NOTIFICATION – II

Whereas, the Government of Telangana are of the opinion having regard to the nature of the inquiry to be made by the Commission and other circumstances of the case that all the provisions of Sub-Sections (2), (3), (4) and (5) of Section 5 of the Commission of Inquiry Act, 1952, should be made applicable to the Commission appointed in the Notification - I above.

2. Now, Therefore, in exercise of the powers conferred by sub-section (1) of Section 5 of the said Act, the Government of Telangana hereby direct that all the provisions of the sub-sections (2), (3), (4) and (5) of Section 5 of the Commissions of Inquiry Act, 1952 shall apply to the Commission.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR
OF TELANGANA)**

**RAHUL BOJJA
SECRETARY TO GOVERNMENT**

40. The petitioners have assailed the impugned G.O.Ms.No.6, dated 14.03.2024 as a '*judicial inquiry*' beyond the scope and mandate of Section 3 of the Act of 1952. According to them, the recitals of the impugned G.O., make it abundantly clear that the Government has already formed an opinion as regards the culpability of the individuals based upon the reports of the National Dam Safety Authority. Therefore,

since inception the proceedings are legally biased. It has been contended that WAPCOS was engaged in the year 2014 to investigate, identify and recommend alternative site for barrage construction. The sites were identified as Medigadda, Annaram and Sundilla. The Government of Telangana had an intention to cover the irrigation to an extent of 37,08,670 acres. Apart from that the project also intended to cater to the needs of drinking water to an extent of 40 TMC and water for industrial purposes, of about 16 TMC. The execution of the project has shown the highest increase in paddy cultivation in the State of Telangana and is termed as the Rice Bowl of the country. It is only after the change of the Government in 2023 that the new Government decided to conduct an enquiry using a mishap in 2023 where one pillar No.20 in Block 7 of Medigadda barrage subsided due to various factors including excessive rainfall during monsoon season. Therefore, the initiation of the Commission of Inquiry in the nature of *judicial* inquiry by G.O.Ms.No.6, dated 14.03.2024 is vitiated.

41. On the part of the respondents-State, copious reference has been made to Terms of Reference under G.O.Ms.No.6, dated 14.03.2024, to refute the contention of the petitioner that they are premeditated and pre-judged. The reference is also made to the Commission of Inquiry

constituted by the State Government in exercise of powers under Section 3 of the Act of 1952 consisting of Shri Justice H.R.Khanna of the Delhi High Court, which was the subject matter in **P.V.Jagannath Rao** (supra). In the present case, the Terms of Reference does not refer to the name of any person in G.O.Ms.No.6, dated 14.03.2024, unlike in the case of **P.V.Jagannath Rao** (supra). That the expression '*judicial inquiry*' is of no significance as the Commission has been constituted under the Act of 1952, except that it is presided over by a Former Judge of the Supreme Court of India. It has been constituted and has performed its functions within the scope and mandate of Act of 1952. The Report of the Commission is not acted upon *proprio vigore*. The State has also referred to the recommendations of the Expert Committee which had recommended against the construction of the barrage at Medigadda,. But the then Chief Minister, KCR has desired alternative locations. It is also evident from the Report of the Central Water Commission that administrative approvals were thereafter given for construction of the Medigadda barrage and the Annaram barrage at the present site. The respondents-State has also placed reliance on the case of **P.Janardhana Reddy** (supra) to submit that there were sufficient materials to form the basis for subjective satisfaction of the State Government that the matter is one of the definite public importance into which an enquiry is

necessary to be made. The Government was therefore well within its right to inquire into the lapses and the omission and commission, negligence and irregularities in the execution of the project and also in its operation and maintenance through an independent Commission of Inquiry under the Act of 1952. The report and findings of the Commission are meant for information of the Government. Under Section 3(4) of the Act, the appropriate Government is bound to lay the report before the Legislature together with a memorandum of the action taken thereon within a period of six months of the submission of the report by the Commission to the appropriate Government. The Courts, civil or criminal, are not bound by the report or findings of the Commission of Inquiry as they have to arrive at their own decision on the evidence placed before them in accordance with law, as observed in the case of **T.T.Antony** (supra). Therefore, the constitution of the Commission of Inquiry *per se* is not *ultra vires* the Act of 1952 or in violation of Article 21 of the Constitution of India.

42. Upon consideration of the rival submissions of the parties, materials on record and the wordings and content of G.O.Ms.No.6, dated 14.03.2024, we are of the opinion that the constitution of the Commission of Inquiry headed by Sri Pinaki Chandra Ghose, Former

Judge of the Supreme Court of India, is neither illegal, arbitrary, nor unconstitutional or *ultra vires* the provisions of the Act of 1952 or contrary to the judgments of the Hon'ble Supreme Court or the High Courts. We say so for the following reasons.

43. The National Dam Safety Authority was constituted to examine the reasons for sinking of the piers of Medigadda (Lakshmi) barrage. It recorded findings that the piers had sunk due to a combination of issues involving lacunae and negligence in planning, design, quality control and Operation and Maintenance (O&M) of the barrage. The distress condition developed adversely affected the functionality of the barrage rendered useless until fully rehabilitated. It also found that keeping the reservoir full in the present condition would worsen the barrages and should not be resorted to. That the two barrages constructed upstream of Medigadda under the Kaleshwaram Project, i.e., Annaram and Sundilla barrages had similar design and construction methodologies, making them prone to similar failure modes. It also indicated negligence of the Government departments and the private agencies in construction and repair and upkeep of the dam that has resulted into damages. These acts indicated certain omissions and commissions on the part of the functionaries. In this background, the Commission was appointed under

the Act of 1952 to undertake the fact finding enquiry upon the Terms of Reference and to enquire, identify and fix up responsibilities for any authority/official who extended undue favours to the Agencies/contractors in terms of allowing unjustified extension of time, wrong completion of work certificates, premature releasing of Bank Guarantees and such other matter. The Commission was also entrusted to fix responsibilities for the lapses identified by it during its enquiry into the above matters and financial implications on the lapses identified. It was also indicated that any other matter might be referred by the Government at a later date.

44. The Commission of such nature is essentially appointed to render the findings of fact which may not only identify the lapses, negligence omissions and commissions in execution of the public project involving substantial expenditure from public exchequer, but also to facilitate rectification and prevention of recurrence of such lapses. It is also intended to restore public confidence in the execution of such projects undertaken by the Government involving considerable expenditure. The report of such a fact finding inquiry is not acted upon *proprio vigore* for inflicting punishments on the persons held responsible in the nature of an adjudicatory power (see **Ram Krishna Dalmia** (supra)). Its reports

are purely recommendatory and the statement made by the person before the Commission of Inquiry under Section of the Act of 1952 is wholly inadmissible in evidence in future proceedings – civil or criminal. The report forms the basis for taking decisions uninfluenced by the view of any person or body, howsoever august or high powered, it may be, involved in such acts of omission or commission, lapses or negligence in execution of public project involving substantial expenditure. Such an exercise of statutory power authorised by law cannot be labelled as *ultra vires* or without jurisdiction or *mala fide*. The petitioners have not been able to show that the Terms of Reference identify the culpability of any individual or body or agency, in a premeditated manner. The proper test to be applied in such a case is to see what is the dominant purpose for which the administrative power is exercised. Reference in this regard is made to the case of **P.V.Jagannath Rao** (supra). In the said case, the State Government had appointed the Commission of Inquiry consisting of Sri Justice H.R.Khanna of the Delhi High Court (As His Lordship then was) to inquire into and submit report in respect of various acts of malfeasance, misfeasance, misappropriation, fraud, negligence, favouritism, nepotism, illegalities, irregularities, improprieties by the then Chief Minister and others during the period from 23.06.1961 to 08.03.1967 naming the Chief Ministers and other Ministers in the

Schedule to the notification constituting the Commission of Inquiry. The challenge to the constitution of the Commission was dismissed by the Delhi High Court. The aggrieved petitioners preferred the Appeals before the apex court. The apex court applied the dominant test and came to the opinion that the setting up of the Commission of Inquiry was to promote measures for maintaining purity and integrity of the administration in the political life of the State and not the character assassination of the Chief Minister and their group. The impugned notification dated 26.10.1967 was held legal and valid. In the present case, we find that the dominant purpose to appoint the Commission of Inquiry by the impugned G.O.Ms.No.6, dated 14.03.2024 was to inquire into the negligence, irregularities and lacunae in planning, designing and construction of Medigadda, Annaram and Sundilla barrages, also the award and execution of contract, its Operation and Maintenance, quality control and monitoring aspects and fix up responsibilities on any authority/official for the lapses including the financial implications on the lapses identified. None of the petitioners have been named in the recitals or identified in the Terms of Reference, unlike the case of **P.V.Jagannath Rao** (supra).

45. Reliance is also placed upon the opinion of the apex court in the case of **Ram Krishna Dalmia** (supra), wherein the apex court examined the scope of Section 3 of the Act of 1952 and held that the Government has the power to appoint Commission of Inquiry into the administrative matters of public importance. Therefore, the notification was well within the powers conferred on the proper Government. It could not be questioned on the ground that it is acting beyond the provisions of the Act of 1952. In the light of the above discussion, the mere use of expression '*judicial*' in G.O.Ms.No.6, dated 14.03.2024 does not make the Commission a Judicial Inquiry. It has been constituted to undertake fact finding enquiry on the terms of reference within the scope and mandate of the Act of 1952. Therefore, we are of the considered opinion that the appointment of the Commission is neither illegal, arbitrary, unconstitutional nor *ultra vires* the Commissions of Inquiry Act, 1952.

46. The next question which falls for consideration is whether the findings of the Commission are prejudicial and adversely affect the conduct and reputation of the petitioners and are vitiated for non-compliance of proper notice under Sections 8B and 8C of the Act of 1952 in violation of principles of natural justice..

47. It is pertinent to mention here that the Commission recorded the statement of 119 witnesses. The petitioners, THR, KCR, SKJ and SS were examined as C.W.114, C.W.No.115, C.W.92 and C.W.95 respectively.

48. The petitioners, THR and KCR were issued notices, both dated 20.05.2025 calling upon them to appear before the Commission on 09.06.2025 and 05.06.2025 respectively. Upon receipt of the said notices, they made a request for certain documents on 06.06.2025. The said documents were supplied to them on 09.06.2025. The notices issued upon them are of the same language and content. Therefore, the notice issued to the petitioner, THR, is reproduced hereunder for appreciation of the issue at hand:

HON'BLE SRI JUSTICE PINAKI CHANDRA GHOSE

Former Judge, Supreme Court of India

Former Chairman, Lokpal of India

Commission of Inquiry on Kaleshwaram Project
8th Floor, "D" Block, Burgula Ramakrishna Rao (BRKR,)
Bhavan, Tank Bund Road, Hyderabad-500063

SUMMONS

To
Sri T.Harish Rao
Former Minister for Irrigation
State of Telangana.

Villa No.1025, KRINSS Villas,
NANAKRAMGUDA, Ranga Reddy District.

Quarter No.504, 5th Floor, M.S.Block-III,
Old MLA Quarters, Hyderabad-500029.

Whereas, in exercise of powers conferred by Section 3 of the Commissions of Inquiry Act, 1952, the Government of Telangana has appointed Hon'ble Sri Justice Pinaki Chandra Ghose, former Judge, Supreme Court of India and former Chairman, Lokpal of India as the Commission of Inquiry, vide G.O.Ms.No.6, Irrigation and CAD (Projects-IV), dated 14th March, 2024 (published in Part-I Extraordinary Gazette on 14th March, 2024), to conduct Judicial Inquiry on certain allegations of irregularities and embezzlement of public funds by corrupt practices in constructing the barrages of Medigadda, Annaram and Sundilla of Kaleshwaram Project and the Terms of Reference under the said Government Order are as under:

- i. To enquire into the negligence, irregularities and lacunae in Planning, Designing and Construction of Medigadda, Annaram and Sundilla Barrages.
- ii. To enquire into the manner of award and execution of Contract including but not limited to deviations in the contract and following of the strict financial discipline in the execution of such Contract.
- iii. To enquire into the negligence and lacunae in Operation & Maintenance of three barrages by the agencies concerned and the Department, thereby leading to major damage to the structure.
- iv. To enquire into the Quality Control & Monitoring aspects, negligence and other malpractices by the agencies/contractors and the Department.
- v. To enquire, identify and fix up responsibilities for any authority/official who extended undue favours to the Agencies/contractors in terms of allowing unjustified EOTS (extension of time), wrong completion of work certificates, premature releasing of Bank Guarantees, and such other matter.
- vi. The Commission shall fix responsibilities for the lapses identified by it during its enquiry into the above matters and financial implications on the lapses identified.
- vii. Any other matter that might be referred by the Government at a later date.

Since you are the then Minister for Irrigation and the then Minister for Finance for the State of Telangana during the relevant period of Planning, Awarding of Contracts, Designing, Construction and Inauguration of the Medigadda, Annaram and Sundilla barrages, this Commission is of the opinion to examine and hear you upon the Terms of Reference before this Commission. Therefore, you are hereby requested to attend before this Commission on **Monday the 9th day of June, 2025 at 11.30 am** for examination. You are at liberty to produce documents/ records upon which you desire to rely upon and/or to place before this Commission for consideration. A copy of G.O.Ms.No.6, Irrigation and CAD (Projects-IV) Department, dated 14.3.2024 is enclosed herewith.

Given by order and under the authority and seal of the
Commission of Inquiry
on this the 20th day of May, 2025.

Secretary to the Commission of Inquiry

49. Both the petitioners, THR and KCR made their statements before the Commission on 09.06.2025 and 11.06.2025 respectively.

50. The summons, dated 08.07.2024 and 12.07.2024 issued upon the petitioners, SKJ and SS respectively are identical but conspicuously different in their language and content from that of the other two petitioners, THR and KCR. They are asked to attend the meeting with the Chairman of the Commission of Inquiry on 15.07.2024. One of the said summons is extracted as under:

Hon'ble Mr Justice Pinaki Chandra Ghose
Commission of Inquiry on Kaleshwaram Project

8th Floor, D-Block BRKR Bhavan, Tank Bund Road,
Hyderabad-500063
judicialcommission24@gmail.com

Letter No. dated 08.07.2024.

SUMMONS

Vide G.O.Ms.No.6, Irrigation and CAD (Projects-IV) Department, dated 14.3.2024, the Government of Telangana has appointed Hon'ble Mr Justice Pinaki Chandra Ghose, former Judge, Supreme Court of India and former Chairman, Lokpal of India as Commission of Inquiry to conduct judicial inquiry on certain allegations of irregularities and embezzlement of public funds by corrupt practices in constructing the barrages of Medigadda, Annaram and Sundilla of Kaleshwaram Project. The Terms of Reference for inquiry are:

- i. To enquire into the negligence, irregularities and lacunae in Planning, Designing and Construction of Medigadda, Annaram and Sundilla Barrages.
- ii. To enquire into the manner of award and execution of Contract including but not limited to deviations in the contract and following of the strict financial discipline in the execution of such Contract.
- iii. To enquire into the negligence and lacunae in Operation & Maintenance of three barrages by the agencies concerned and the Department, thereby leading to major damage to the structure.
- iv. To enquire into the Quality Control & Monitoring aspects, negligence and other malpractices by the agencies/contractors and the Department.
- v. To enquire, identify and fix up responsibilities for any authority/official who extended undue favours to the Agencies/contractors in terms of allowing unjustified EOTS (extension of time), wrong completion of work certificates, premature releasing of Bank Guarantees, and such other matter.
- vi. The Commission shall fix responsibilities for the lapses identified by it during its enquiry into the above matters and financial implications on the lapses identified.
- vii. Any other matter that might be referred by the Government at a later date.

Therefore, you are requested to attend the Meeting with the Hon'ble Chairman, Commission of Inquiry on Monday the

15th day of July, 2024 at 11.00 am in the Office of the Hon'ble Commission of Inquiry in connection with the inquiry and further request you to furnish information on such points or matters as, may be useful for, or relevant to, the subject matter of the inquiry.

// By order of the Hon'ble Chairman, Commission of Inquiry //

SECRETARY to the Commission of Inquiry

To
Sri S K Joshi IAS
Former Secretary to Govt of Telangana
Irrigation Department.

51. The petitioners, SKJ and SS have submitted their affidavits before the Commission on 21.07.2024 and 01.08.2024 respectively. The gist of their affidavits reflect the positions which they held and their role in the decision making process. Both the petitioners did not make any incriminating statements in their affidavits regarding their involvement in the decision making process which led to the execution of the project and later sinking of the piers of the Medigadda barrage on 21.10.2023.

52. After 4 months of submission of their affidavits filed on 21.07.2024 and 01.08.2024, the petitioners, SKJ and SS were telephonically asked to appear before the Commission to make statements. The petitioner SKJ appeared on 18.12.2024 when his statements were recorded as C.W.92. The petitioner SS appeared before the Commission on 19.12.2024. The Commission recorded her statements as C.W.95.

53. The Commission submitted its Report on 31.07.2025 to the Government. The report was tabled before the Legislative Assembly on 31.08.2025. A Press Conference was held on 04.08.2025 by the Government in which the findings of the Commission were shown by way of power point presentation. All the petitioners, thereupon, claimed to have knowledge of the findings made by the Commission against them. They have also assailed the findings of the Commission as being prejudicial, scurrilous, *mala fide* as against them rendered without following the procedure prescribed under Sections 8B and 8C of the Act of 1952 in the teeth of principles of natural justice.

54. The petitioners have culled out some of the findings rendered against them in the Report dated 31.07.2025 by the Commission as being adverse and prejudicial to their conduct and reputation. The relevant findings as are borne on the records of each of these writ petitions are extracted hereunder in order to examine whether they are prejudicial in nature and adverse affect the conduct and reputation of the petitioners:

Petitioner (THR):

- a. That, "Along with the Chief Minister, "intentionally have not considered the Report of the Expert Committee"

b. That "It can be categorically held that there is rank irregularity from the stage of conceptualization of Kaleshwaram project till the issuance of Administrative approvals on 1.3.2016 for construction of the three barrages. This is not the decision of the Government but of individuals."

c. That "The proposal and the decision to construct barrages at Medigadda, Annaram and Sundilla is of the then Minister for Irrigation and Chief Minister".

d. That "Letter from Ms. Uma Bharti, the then MoWR, dated 13.3.2015 has stated that Hydrology of the PCSS project was cleared on 24.10.2014. However project authorities vide their letter dated 24.11.2014 have submitted the modified hydrological series for approval..." Minister for Irrigation made an endorsement on the said letter on 20.3.2015. When the CWC has already cleared Hydrology of Dr BRAPCSS project as back as on 24.10.2014, the reason for the project authorities to submit modified hydrological series for approval of the CWC is not forthcoming."

e. That "Retired engineers committee constituted vide GO No.28" ... the expert committee had extensively studied the merits and demerits of the barrage being constructed at Tummidihetti and at Medigadda and concluded that the construction of barrage at Medigadda is not advisable and also not economical. On the other hand, the Expert committee recommended to construct barrage at Vemanapally on Pranahita river instead of at Medigadda."

f. That "The said Expert Committee stated in their Note submitted to this Commission on 25.6.2024 that they have submitted their Report titled "Barrages on Godavari and Pranahitha Rivers" on 7.4.2015 to the Minister for Irrigation, Principal Secretary, Irrigation Department, Engineer-in- Chief (Irrigation)..." Sri T.Harish Rao has not denied in his evidence the submission of the report by the Expert committee on 7.4.2015"

g. That "It should be held that Sri S.K.Joshi, Sri C.Muralidhar and Sri B.Hari Ram suppressed the Report of the Expert Committee with malicious intention to enable the then Minister for Irrigation and the then Chief Minister to go ahead with their intention to construct barrage at Medigadda. Thus by suppressing this Report, they facilitated to construct barrage at Medigadda and they indulged in this malicious act at the cost of huge public money and putting the economy of the State at stake". The commission has noted on suppression of the report of the expert committee that "The action to be taken shall be severe for the reason that had this Report not been suppressed, construction of barrage at Medigadda could not have been taken up".

h. That "The Note File is signed by the Principal Secretary to Government (Irrigation) on 26.2.2016, the Minister for Irrigation on 26.2.2016 and also by the then Chief Minister. Since the approval of the Cabinet is not obtained, there is violation of the Business Rules of the Government. An analysis of the above factual position would lead to one and only categorical conclusion

that the conception of Kaleshwaram project, the proposal of entrusting the consultancy services for preparation of DPR in respect of KP to WAPCOS and according administrative approval in that regard is the sole and individual decision of the Minister (Irrigation) and the Chief Minister"

i. That "In the present case, the shifting of location of barrage to Medigadda on the alleged ground of availability of water is the decision of the then CM and this decision is taken suppressing the report of the Expert Committee under G.O 28. Right from the beginning till the stage of inauguration of the barrages by impounding water at the peril of the health of the barrages is done with the instructions of the then CM. The then Minister for Finance and Planning remained as a tacit perpetrator and the then Minister for Irrigation allowed the then Chief Minister to fulfil his desire. In fact, the then CM being political executive functioned as Administrative executive also in implementing the policy of the Government and the manner of planning and execution caused huge loss to the state public exchequer.

j. "It can conclusively be held that the issuance of G.O Rt Nos.231, 232 dated 1.3.2016, according Administrative approval of Rs.2591 crores for construction of Medigadda project is not placed before the cabinet and is issued pursuant to the orders of the Minister (Irrigation) and the Chief Minister."

k. That "The Commission does not see any compelling urgency in taking such decisions by the Minister (Irrigation) and the Chief Minister alone and this irregularity is more so in the light of the fact that the cabinet has not ratified the same". "21. 1. When the Government Orders 231, 232 and 233 are not placed before the Cabinet for approval/ratification and thereby there is violation of the Business Rules of the Government, the Minister for Irrigation and the Chief Minister shall also be held liable for violation of the Business Rules of the Government. In this regard, the evidence of the then Minister for Irrigation is false and cannot be substantiate his deposition.

l. That "Acted complicity, allowing CM to take over the administrative role.

n. The then Minister for Irrigation gave instructions at random and Minister for Finance and Planning conducted himself apathetical towards the Finance and economical health of the State, it is the then CM who can be directly and vicariously accountable for the irregularities and the illegalities in planning, construction, completion, Operation & Maintenance of the three barrages. One such example that Govt has brought to the notice of the Commission the then Irrigation Minister has instructed to adopt secant piles in the meeting dated 09.01.2017."

19. The Commission further fixed responsibility upon the petitioner as under:

a. "Political Executives Held Liable: The lapses related to Political Executives i.e., the then Chief Minister Sri. K. Chandrasekhar Rao, the then Minister for Irrigation Sri. T.Harish Rao and the then Minister for Finance Sri Etela Rajendar”.

b. "The Commission concludes that the entire project was characterized by 'rampant and brazen procedural and financial irregularities'. The report underscores that the Kaleshwaram project, intended as a 'lifeline of the State of Telangana', became a colossal waste of public money due to a profound failure of governance, planning, technical oversight, and financial discipline, driven by the individual decisions and undue influence of political leadership. The Commission of Inquiry Report dated 31.07.2025, pertaining to allegations of irregularities and embezzlement of public funds through corrupt practices in the construction of the Medigadda, Annaram, and Sundilla barrages of the Kaleshwaram Project, is now placed."

Petitioner (KCR):

The Commission found that the Petitioner:

a. Is "directly and also vicariously accountable for the irregularities and the illegalities in planning, construction, completion, operation and maintenance of the three barrages." His "involvement and directions minutely... is the cause and result of irregularities and the cause of distress to these three barrages."

b. That "It can be categorically held that there is rank irregularity from the stage of conceptualization of Kaleshwaram project till the issuance of Administrative approvals on 1.3.2016 for construction of the three barrages. This is not the decision of the Government but of individuals."

c. That "The then Chief Minister is pre-determined and bent upon to construct barrage at Medigadda at his free choice and the authorities associated with the decision making facilitated them."

d. That "The decision of construction of barrage at Medigadda and also at Annaram and Sundilla is solely of the then Chief Minister”.

e. That "It is abundantly clear that the Government has not considered the report of the Expert Committee constituted under G.O.Rt. No. 28, dated 21.1.2015"

f. That "It can conclusively be held that the issuance of G.O. Rt. Nos.231, 232 and 233, dated 1.3.2016, according Administrative approval of Rs.2591 crores for construction of

Medigadda project is not placed before the cabinet and is issued pursuant to the orders of the Minister (Irrigation) and the Chief Minister."

g. That **"The Commission does not see any compelling urgency in taking such decisions by the Minister (Irrigation) and the Chief Minister alone and this irregularity is more so in the light of the fact that the cabinet has not ratified the same."**

h. That "In the review meeting dated 9.12.2017, the Chief Minister directed to entrust the additional works not covered in the scope of agreements to the existing agencies."

i. That "The Government agreed to execute coffer dam and guide bunds which were in the contractor's scope of work, **citing verbal instructions from the Chief Minister**. This resulted in huge additional burden on the exchequer. Works worth ₹369 crore were added in RE-1 without basis in DPR, **which the Commission termed 'clinching evidence' of an intent to siphon public funds to unduly favour agency**."

j. That "One of the factors for failure of proper operation and maintenance and consequential failure of the barrage is on account of impounding of water. **It has categorically been observed and held that the then Chief Minister has directed the authorities to store water in the barrages to their full capacity for the purpose of lifting of water through pump houses. Therefore, the then Chief Minister acted against the interests of the State and have no sincere, honest and conscientious mind to protect and safeguard the three barrages constructed at huge cost of thousands of crores of public money. The Chief Minister acted not as the head of the Government but as the administrative executive himself.**"

k. That "Involvement and directions of the then Chief Minister minutely towards planning, construction and operation of these three barrages is the cause and result of irregularities and distress to these three barrages". From the formation of the State of Telangana on 2.6.2014 till 1.3.2016 (the date of granting Administrative Approvals for construction of these three barrages) it is the sole decision of the then Chief Minister from the stage of conceptualization of Kaleshwaram Project, allegedly as part of re-engineering of the Dr BRA PCSS Project and to take up construction of these three barrages. The alleged non-availability of water at Tummidi Hetti is not the correct and the decision of construction of barrage at Medigadda and also at Annaram and Sundilla is solely of the then Chief Minister."

1. That regarding "Continuous Impounding of Water: The then Chief Minister directed continuous impounding of water in the barrages to their full capacity for lifting water through pump houses, even though barrages are typically 'diversion structures with low head, not as storage structures. This continuous impounding was a major cause for distress."

19. The Commission purportedly fixed responsibility on the petitioner, THR and KCR, as follows:

a. "Political Executives Held Liable: The lapses related to Political Executives i.e., the then Chief Minister Sri. K.Chandrasekhar Rao, the then Minister for Irrigation Sri. T.Harish Rao and the then Minister for Finance Sri Etela Rajendar"

b. "The Commission concludes that the entire project was characterized by 'rampant and brazen procedural and financial irregularities'. The report underscores that the Kaleshwaram project, intended as a 'lifeline of the State of Telangana', became a colossal waste of public money due to a profound failure of governance, planning, technical oversight, and financial discipline, driven by the individual decisions and undue influence of political leadership. The Commission of Inquiry report dated 31.07.2025, pertaining to allegations of irregularities and embezzlement of public funds through corrupt practices in the construction of the Medigadda, Annaram, and Sundilla barrages of the Kaleshwaram Project, is now placed."

Petitioner (SKJ):

"Sri S.K.Joshi, IAS (examined as C.W.92) was the Principal Secretary to Government, Irrigation Department, from 12.01.2015 to 31.01.2018.... They have not chosen even to whisper in their affidavit evidence or oral evidence regarding the constitution of the Expert Committee under G.O.Rt.No.28 and/or the submission of the Report by the said Expert Committee. Their silence on this crucial aspect is inexplicable and their conduct in discharge of their duties is not fair."

"Sri S.K.Joshi, in the capacities of Principal Secretary to Government/Special Chief Secretary to Government and the Chief Secretary to Government, has signed G.O.Rt.No.212, G.O. Rt.No.776 and G.O.Rt.Nos.607 to 611. He also stated in his affidavit that the 'administrative sanctions were accorded for different components over a period of time after approval by the competent authority (Council of Ministers, Chief Minister/ concerned Minister). This is a false statement made by him."

"The irresponsibility and impropriety of (b) Sri S.K. Joshi... in these facts and circumstances, the proposal for revised administrative approval and the decision to accord revised administrative approval on these grounds involving huge amounts of public money shall have to be presumed to be tainted with malice on the part of the authorities who had proposed and also on the part of the authorities who were involved in taking the

decision to accord revised administrative approval. All these authorities shall be held to be dishonest in their duties and dishonest to the high offices they held, and they shall be held to have caused, without diligence, huge expenditure from the State exchequer, without verifying the pros and cons of the matter in case of public governance."

"Sri S.K. Joshi, IAS, the Principal Secretary to Government, I&CAD Department is also the Chairman of KIPCL. He cannot be oblivious to the fact that the projects to be taken up by KIPCL shall be Turnkey Projects. Since the Government Order setting up KIPCL specifically and in unequivocal terms states that the projects to be taken up by KIPCL shall be Turnkey Projects, and the Kaleshwaram Lift Irrigation System is to be funded by KIPCL and to be taken up by KIPCL, Sri S.K.Joshi, being the Principal Secretary to Government, I&CAD Department, and also the Chairman of KIPCL, is not expected to put up a note mentioning that the earlier system of EPC has been dispensed with and LS system of awarding work is being considered."

"Sri S.K.Joshi, IAS, Principal Secretary to Government, Irrigation Department ... are liable for action for intentionally suppressing the Report of the Expert Committee constituted under G.O.Rt.No.28 with an oblique motive to enable the Government to go ahead with its resolve to construct the barrage at Medigadda. Appropriate action shall be taken against them in accordance with law. The action to be taken shall be severe, for the reason that had this Report not been suppressed, the construction of the barrage at Medigadda could not have been taken up."

"Appropriate action in accordance with law shall be taken against Sri S.K.Joshi, IAS, Principal Secretary to Government ... for committing irregularities and violating the Business Rules of the Government by not placing the file relating to G.O.Rt.No.212, dated 13.04.2015, and G.O.Rt.No.40, dated 18.01.2016, before the Cabinet for approval (though G.O.Rt.No. 212 was subsequently ratified by the Cabinet on 03.06.2016)."

"Appropriate action in accordance with law shall be taken against Sri S. K.Joshi, IAS. Principal Secretary to Government, Irrigation Department for committing irregularities and violating the Business Rules of the Government by not placing the file relating to G.O.Rt.Nos.231, 232, and 233, dated 01.03.2016 before the Cabinet for approval."

Petitioner (SS):

a. That, "The Agency-L&T PES JV filed photographs of the Medigadda barrage site taken during the course of construction of the barrage. Some of those photographs show Smt. Smitha Sabharwal reviewing the progress of the construction. It may have to be noted that in the said photographs, either the Minister

(Irrigation), Minister (Finance & Planning) or the Chief Minister are not seen and further she also stated in her oral evidence that "in respect of all the subjects I was actively touring the districts causing feed back to the CM in respect of inter-departmental coordination with Collectors, Forest Department, neighbouring States, and intervening in order to take the projects forward". Inference can be drawn from these circumstances that Smt. Smitha Sabharwal visited the three barrages construction sites in the capacity of the Special Secretary to CMO to review the progress of the three barrages." (Pg No. 166 of the Report)

b. That, "Mrs. Smitha Sabharwal is the Secretary to the Government and belongs to the Indian Administrative Service and it must be presumed that she must have been taken as Secretary to the Chief Minister in that capacity. The File Notes placed before the Chief Minister contained observations of the Finance Department that the approvals/permissions shall be obtained as per the Business Rules of the Government and she states in her oral evidence that "all files which were put up by CMO for CM approval had necessary concurrences and Business Rules compliance". As part of the secretarial assistance to the Chief Minister, holding the cadre under Indian Administrative Service, and having herself stated in her affidavit that her role as Secretary to Chief Minister is to coordinate among different departments of the Government, it is very much ordained on her to verify whether the Business Rules of the Government are followed before placing the Files for orders before the Chief Minister. As is observed in the files relating to grant of Administrative Approvals, the Finance Department made endorsements to the effect that the approval of the competent authority as per the Business Rules shall be obtained. Mrs. Smitha Sabharwal also stated in her answer to question 14 that if any flag or deviation by any of the processing authorities such as Chief Secretary was put on file, it was her duty to inform the same and brief the Chief Minister. **The G.O.Rt. Nos.231, 232 and 233 granting Administrative Approvals for construction of Medigadda, Annaram and Sundilla barrages are not placed before the Cabinet for approval/ratification and thus there is violation of Business Rules of the Government.**" (Pg No. 166 of the Report)

c. That, "Therefore, Mrs Smita Sabharwal, as **Additional Secretary to the Chief Minister and Secretary to the Chief Minister must be held to be not diligent, is negligent and irresponsible in the discharge of her duties and she is also liable for action for violation of the Business Rules of the Government. In the circumstances, appropriate action shall be taken against her.**" (Pg No. 167 of the Report)

14. In view of the aforementioned scathing remarks, the Commission purportedly fixed responsibility as follows:

"Appropriate action in accordance with law shall be taken against Sri S.K.Joshi IAS, Principal Secretary to Government, Irrigation Department and Smt. Smita Sabharwal, Additional Secretary to Chief Minister (SS) for committing irregularity and violation of the Business Rules of the Government in not placing the File relating to G.O.Rt.No.212, dated 13.4.2015 and G.O.Rt.No.40, dated 18.1.2016 before the Cabinet for approval. (though G.O.Rt.No.212 is ratified by the Cabinet on 3.6.2016)." (Pg No. 634)

And "Appropriate action in accordance with law shall be taken against Sri S.K.Joshi IAS, Principal Secretary to Government, Irrigation Department and Smt. Smita Sabharwal, Additional Secretary to Chief Minister (SS) for committing irregularity and violation of the Business Rules of the Government in not placing the File relating to G.O.Rt.Nos.231, 232 and 233, dated 1.3.2016 before the Cabinet for approval." (Pg No. 635)

55. The petitioners have strongly contended that the above findings are seriously prejudicial and defamatory against them. They have also challenged them as being illegal, arbitrary, premeditated and actuated by *mala fides* without following the statutory safeguard under Sections 8B and 8C of the Act of 1952 in violation of principles of natural justice.

56. The respondents-State in its reply have adverted to the materials relied upon by the Commission to render findings as against the petitioners. The materials referred to by the State include the Reports of the Expert Committee dated 07.04.2015; the National Dam Safety Authority; the Cabinet Sub-committee; the State Level Standing Committee; the Report of the CAG; the resolutions of the Cabinet and

other official documents. On behalf of the State, the State Government has taken the plea that the petitioners were fully aware of the documents relied upon by the Commission on which they were asked to depose. The petitioners, THR and KCR were supplied all the documents on 09.06.2025 on their request. All these documents were made available to them when they made their statements i.e., 09.06.2025 and 11.06.2025 respectively. The other petitioners SKJ and SS were Government officials, whose Conduct Rules require them to assist the Commission in such enquiry based upon official documents such as above. It is also their case that neither Sections 8B and 8C of the Act of 1952 nor the Rules framed thereunder specify a particular format for issuance of summons. Moreover, mere non-mentioning of the provision does not invalidate the power conferred upon by the Commission to issue a notice in the nature contemplated under Sections 8B and 8C of the Act of 1952. The petitioners, THR and KCR, both were legally aware of the procedure adopted by the Commission having challenged the constitution of the Commission headed by Justice L.Narasimha Reddy, constituted vide G.O.Ms.9, dated 14.03.2024 in W.P.No.16588 of 2024. The petitioners having consciously participated in the proceedings, thereby acquiesced in the procedure adopted by the Commission and are now estopped by their conduct in questioning the same. Moreover, the

findings of the Commission are in respect of the public duty required to be performed by the petitioners in their capacity as Irrigation Minister, Chief Minister, Special Secretary to the Chief Minister and Chief Secretary in the Government during the relevant point of time. It has also been submitted that the findings of the Commission do not reflect upon the conduct or reputation of the person but is limited to the discharge of their public duties. This Court in exercise of writ jurisdiction would refrain from interfering in the findings of the Commission derived after detailed inquiry and after reasonable opportunity to the petitioners touching upon the acts committed by them in discharge of their public duties.

57. On the other hand, according to the petitioners, the notice issued upon them conformed to the requirement of Rules 4 and 5 of the Rules of 1972 to appear and depose as a witness before the Commission. However, if the Commission during the course of proceedings was of the opinion that its findings would adversely comment upon the conduct and reputation of the petitioners, the incriminating materials ought to have been conveyed to them by way of notice under Section 8B of the Act of 1952 to enable them to properly defend themselves. In this regard, the petitioners have relied upon the cases of **Kiran Bedi** (supra),

Lal Krishna Advani (supra), **Jai Prakash Associates** (supra), **Sanjay Gupta** (supra) and **ECIL vs. B.Karunakar** (supra). The petitioners have also contended that the right to cross-examine the witnesses whose incriminating statements were relied upon by the Commission to render its findings against the petitioners was denied. The petitioners, SKJ and SS both have contended that they were not served any summons or notice to depose before the Commission to defend themselves in the manner contemplated under Section 8B of the Act of 1952 nor were they supplied any documents which were the basis of the adverse findings against them. Therefore, the procedure adopted by the Commission is in violation of principles of natural justice and the statutory safeguard contained in Sections 8B and 8C of the Act of 1952.

58. In order to appreciate the issue at hand, it is necessary to extract relevant provisions of the Act and the Rules, which prescribe the procedure to be followed by the Commission. Sections 4, 5, 5A, 6, 8, 8B and 8C of the Act of 1952 and Rules 4 and 5 of the Rules, 1972 are extracted as under:

4. Powers of Commission:- The Commission shall have the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;

- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) any other matter which may be prescribed.

5. Additional Powers of Commission:- (1) Where the appropriate Government is of opinion that, having regard to the nature of the inquiry to be made and other circumstances of the case, all or any of the provisions of sub-section (2) or sub-section (3) or sub-section (4) or sub-section (5) should be made applicable to a Commission, the appropriate Government may, by notification in the Official Gazette, direct that all or such of the said provisions as may be specified in the notification shall apply to that Commission and on the issue of such a notification, the said provisions shall apply accordingly.

(2) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject-matter of the inquiry and any person so required shall be deemed to be legally bound to furnish such information within the meaning of Section 176 and Section 177 of the Indian Penal Code (45 of 1860).

(3) The Commission or any officer, not below the rank of a gazetted officer, specially authorised in this behalf by the Commission may enter any building or place where the Commission has reason to believe that any books of account or other documents relating to the subject-matter of the inquiry may be found, and may seize any such books of account or documents or take extracts or copies therefrom, subject to the provisions of Section 102 and Section 103 of the Code of Criminal Procedure, 1898 (5 of 1898), in so far as they may be applicable.

(4) The Commission shall be deemed to be a civil court and when any offence as is described in Section 175, Section 178, Section 179, Section 180 or Section 228 of the Indian Penal Code (45 of 1860), is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1898 (5 of 1898), forward the case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under Section 482 of the Code of Criminal Procedure, 1898.

(5) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code (45 of 1860).

5-A. Power of Commission to utilise the services of certain officers and investigation agencies for conducting investigation pertaining to inquiry:- (1) The Commission may, for the purpose of conducting any investigation pertaining to the inquiry, utilise the services,—

- (a) in the case of a Commission appointed by the Central Government, of any officer or investigation agency of the Central Government or any State Government with the concurrence of the Central Government or the State Government, as the case may be; or
- (b) in the case of a Commission appointed by the State Government, of any officer or investigation agency of the State Government or Central Government with the concurrence of the State Government or the Central Government, as the case may be.

(2) For the purpose of investigation into any matter pertaining to the inquiry, any officer or agency whose services are utilised under sub-section (1) may, subject to the direction and control of the Commission,—

- (a) summon and enforce the attendance of any person and examine him;
- (b) require the discovery and production of any document; and
- (c) requisition any public record or copy thereof from any office.

(3) The provisions of Section 6 shall apply in relation to any statement made by a person before any officer or agency whose services are utilised under sub-section (1) as they apply in relation to any statement made by a person in the course of giving evidence before the Commission.

(4) The officer or agency, whose services are utilised under sub-section (1), shall investigate into any matter pertaining to the inquiry and submit a report thereon (hereafter in this section referred to as the investigation report) to the Commission within such period as may be specified by the Commission in this behalf.

(5) The Commission shall satisfy itself about the correctness of the facts stated and the conclusions, if any, arrived at in the investigation report submitted to it under sub-section (4), and for this purpose the Commission may make such inquiry (including the examination of the person or persons who conducted or assisted in the investigation) as it thinks fit.]

6. Statements made by persons to the Commission:- No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in any civil or criminal proceeding except a prosecution for giving false evidence by such statement:

Provided that the statement—

- (a) is made in reply to a question which he is required by the Commission to answer, or
- (b) is relevant to the subject-matter of the inquiry.

8-B. Persons likely to be prejudicially affected to be heard.—If, at any state of the inquiry, the Commission—

(i) considers it necessary to inquire into the conduct of any person; or

(ii) is of opinion that the reputation of any person is likely to be prejudicially affected by the inquiry, the Commission shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence:

Provided that nothing in this section shall apply where the credit of a witness is being impeached.

8-C. Right of cross-examination and representation by legal practitioner.—The appropriate Government, every person referred to in Section 8-B and, with the permission of the Commission, any other person whose evidence is recorded by the Commission—

(a) may cross-examine a witness other than a witness produced by it or him;

(b) may address the Commission; and

(c) may be represented before the Commission by a legal practitioner or, with the permission of the Commission, by any other person.

The Commissions of Inquiry (Central) Rules, 1972:

4. The issue and service of summons.—(1) A Commission may issue summons to persons whose attendance before it may be required either to give evidence or to produce documents.

(2) Every summons issued by a Commission shall be in duplicate and shall be signed by the Chairman thereof or by such person as he may empower in this behalf. It shall be sealed with the seal of the Commission and shall specify the time and place at which the person summoned is required to attend and also whether his attendance is required for the purpose of giving evidence or to produce a document, or for both the purposes.

(3) A person may be summoned to produce a document, without being summoned to give evidence and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same.

(4) A summons to produce documents may be for the production of all documents of a certain description in the possession or control of the person summoned.

(5) Every summons shall be served by sending it by post to the person, for whom it is intended or in such other manner as the Commission may direct.

(6) The provisions of sub-rules (1) to (5) shall apply, as far as may be, to every other process issued by a Commission.

5. Procedure of Inquiry.—(1) A Commission may sit in public or in private as it thinks fit:

Provided that a Commission shall sit in private on a request being made by the Central Government in that behalf.

(2) A Commission shall, as soon as may be after its appointment—

- (a) issue a notice to every person, who in its opinion should be given an opportunity of being heard in the inquiry, to furnish to the Commission a statement relating to such matters as may be specified in the notice;
- (b) issue a notification, to be published in such manner as it may deem fit, inviting all persons acquainted with the subject matter of the inquiry to furnish to the Commission a statement relating to such matters as may be specified in the notification.

(3) Every statement furnished under clause (a) of sub-rule (2) shall be accompanied by an affidavit in support of the facts set out in the statement sworn by the person furnishing the statement.

(4) Every person furnishing a statement under clause (a) of sub-rule (2) shall also furnish to the Commission along with the statement a list of the documents, if any, on which he proposes to rely and forward to the Commission, wherever practicable, the originals or true copies of such of the documents as may be in his possession or control and shall state the name and address of the person from whom the remaining documents may be obtained.

(5)(a) A Commission shall examine all the statements furnished to it under clause (b) of sub-rule (2) and if, after such examination, the Commission considers it necessary to record evidence, it shall first record the evidence, if any, produced by the Central Government and may thereafter record evidence in such order as it may deem fit—

- (i) the evidence of any person who has furnished a statement under clause (a) of sub-rule (2) and whose evidence the Commission having regard to the statement, considers relevant for the purpose of the inquiry; and
- (ii) the evidence of any other person whose evidence, in the opinion of the Commission, is relevant to the inquiry:

Provided that the Commission may dispense with the attendance of any person for the purpose of giving evidence before it, if in its opinion—

- (i) such attendance cannot be enforced except by causing undue hardship or inconvenience to that person;
- (ii) such attendance should be dispensed with for any other sufficient reason to be recorded by it in writing.

(b) if after all the evidence is recorded under clause (a), the Commission is satisfied that it is necessary for the proper determination of any relevant fact to do so, it may recall any witness already examined or examine any new witness.

(6) The Commission may pay the travelling and other expenses to a person who is summoned to assist the Commission at the stage of preliminary investigation or to give evidence or to produce documents before a Commission, as prescribed from time to time by the Central Government.

(7) The Commission shall have the powers of a civil court to make local investigation, either personally or through any person, duly authorised by it into any matters falling within its terms of reference.

(8) A Commission shall have the power to regulate its own procedure in respect of any matter for which no provision is made in these rules.

59. It is pertinent to state that Sections 8B and 8C of the Act of 1952 were introduced by the Amendment Act 79 of 1971 with effect from 30.12.1971, almost two decades after the enactment of the main Act. The object behind the introduction of Section 8B in the statute book by Amendment Act 79 of 1971 has been discussed in the case of **Lal Krishna Advani** (supra) at paragraph 8 as under:

“8. It may be noticed that the amendment was brought about, about 20 years after passing of the main Act itself. The experience during the past two decades must have made the legislature realize that it would but be necessary to notice a person whose conduct the Commission considers necessary to inquire into during the course of the inquiry or whose reputation is likely to be prejudicially affected by the inquiry. It is further provides that such a person would have a reasonable opportunity of being heard and to adduce evidence in his defence. Thus the principles of natural justice were got inducted in the shape of a statutory provision. It is thus incumbent upon the Commission to give an opportunity to a person, before any comment is made or opinion is

expressed which is likely to prejudicially affect that person. Needless to emphasise that failure to comply with the principles of natural justice renders the action *non est* as well as the consequences thereof.”

60. As held above, the principles of natural justice got inducted in the shape of a statutory provision making it incumbent upon the Commission to give an opportunity of hearing before any comment is made or opinion is expressed, which is likely to prejudicially affect that person. As held in the above case, failure to comply with the principles of natural justice would render the action *non est* as well as the consequences thereof. A careful reading of the statutory scheme, which prescribes the procedure for the Commission in the conduct of an inquiry, shows that Section 4 confers the Commission with the power of the civil court under the Code of Civil Procedure, 1908 *inter alia* for summoning and enforcing the attendance of any person and examining him on oath; requiring the discovery and production of any document; receiving evidence on affidavits; requisitioning any public record and issue commissions for the examination of witnesses or documents. This provision is the source of power for ensuring the attendance and examination of witnesses for collecting evidence in the course of the Commission’s fact finding function.

61. Under G.O.Ms.No.6, dated 14.03.20224, the Commission has also been conferred the additional powers under Section 5 of the Act of 1952. Section 5(2) confers power upon the Commission to require information from any person on the points which in the opinion of the Commission may be useful for, or relevant to, the subject matter of the inquiry. Any person so required shall be deemed to be legally bound to furnish such information within the meaning of Sections 176 and 177 of the Indian Penal Code, 1860. It is the investigative tool during the stage of enquiry for obtaining information from any person. This provision does not confer any specific right of legal representation upon the person so summoned. Section 5A confers power upon the Commission to utilise the services of certain officers and investigation agencies for conducting investigation pertaining to inquiry. Section 6 provides that no statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in any civil or criminal proceeding except a prosecution for giving false evidence, provided that the statement is made in reply to a question which he is required by the Commission to answer, or is relevant to the subject matter of the inquiry. Section 8 provides that the Commission shall, subject to any rules that may be made in this behalf, have power to regulate its own procedure including the fixing of place and times of its

sittings and deciding whether to sit in public or in private. In the aforesaid scheme of the Act, Sections 8B and 8C were introduced by amendment with effect from 30.12.1971 with a specific purpose as explained in the case of **Lal Krishna Advani** (supra). In the statutory scheme, this provision appears after Sections 4 and 5 which confer upon the Commission the power for ensuring compulsory attendance of examination of witnesses in order to collect evidence for the purposes of rendering finding on the terms of reference made to it. Section 8B, on the other hand, imposes an obligation upon the Commission to give a reasonable opportunity to a person of being heard in the inquiry and to produce evidence in his defence, if the Commission considers it necessary to inquire into the conduct of any person, or is of the opinion that reputation of any person is likely to be prejudicially affected by the inquiry. This power can be exercised at any stage of the inquiry if the aforesaid ingredients are made out in the opinion of the Commission. It is a facet of *audi alteram partem* rule to ensure that procedural fairness is observed before any adverse findings are made against such person.

62. Section 8C provides for right to cross-examine any adverse witness referred to in Section 8B, whose evidence is recorded by the Commission. It also confers the right to appear through the legal

practitioner. The provisions under Sections 4 and 5(2) relate to inquisitorial power of the Commission for obtaining facts. Section 8B is the statutory embodiment of the *audi alteram partem*, if the Report of the Commission is likely to be stigmatic upon the conduct or reputation of that person, though it is not legally binding, unlike the adjudicatory findings rendered by a court. On behalf of the petitioners, reliance has been placed on the case of **K.Vijaya Bhaskar Reddy** (supra) where the notices were vague on account of not referring to materials on record of the Commission, which, if accepted, would prejudicially affect the reputation of the petitioners. In the said case, notice under Section 8B was quashed on that ground.

63. It is true that the Rules of 1972, framed under Section 12 of the Act of 1952 do not prescribe any statutory format for issue of service of summons. Rule 4 provides for the issue of summons to persons whose attendance before it may be required to give evidence or to produce documents and the manner in which the summons is to be served. Rule 5 provides that the Commission may issue a notice to every person who in its opinion should be given an opportunity of being heard in the enquiry, to furnish to the Commission a statement relating to such matters as may

be specified in the notice. Rule 5(2)(b), on the other hand, provides for issuance of notification inviting all persons acquainted with the subject matter of the inquiry to furnish to the Commission a statement relating to such matters as may be specified in the notification. Under sub-rule (3) every statement furnished under clause (a) of sub-rule (2) shall be accompanied by an affidavit in support of the facts set out in the statement sworn by the person furnishing the statement. Under sub-rule (4), every such person furnishing a statement under clause (a) of sub-rule (2) shall also furnish to the Commission along with the statement, a list of the documents on which he proposes to rely and forward to the Commission. Under sub-rule (5), the Commission shall examine all statements furnished to it under clause (b) of sub-rule (2) and if, after such examination, the Commission considers it necessary to record evidence, it shall first record the evidence, if any, produced by the Central Government and may thereafter record evidence in such order as it may deem fit, of persons who furnished a statement under clause (a) of sub-rule (2), and whose evidence is considered relevant for the purpose of inquiry and any other person whose evidence, in the opinion of the Commission, is relevant to the inquiry. Proviso to sub-rule (5)(a) provides that the Commission may dispense with the attendance of any

person for the purpose of giving evidence for the reasons of hardship or inconvenience, or any other sufficient reasons to be recorded in writing.

64. In **Jai Prakash Associates** (supra), it has been held that under Rule 5(2) notice or summons is issued to elicit information for the purpose of inquiry, whereas Section 8B applies when the Commission proposes to inquire into any person's conduct or the reputation of any person which is likely to be affected, in which case he must be given a reasonable opportunity of hearing and to produce evidence in his defence. In the case of **Jai Prakash Associates** (supra), the Commission had issued a general notice and later a notice calling upon the petitioner to place its stand. The petitioner had sought clarification and time to respond contending that no specific allegations were disclosed. The request for adjournment was refused. The Commission proceeded to submit its Report which was challenged on the ground that the Report has not complied with the provisions of Sections 8B and 8C of the Act of 1952 and Rule 5 of the Rules of 1972. The Allahabad High Court quashed the report as the petitioner was not given reasonable opportunity of being heard and opportunity to produce evidence in his defence. It was further held that the report submitted by the Commission is in violation of the mandatory and statutory requirements.

65. In **Kiran Bedi** (supra), the apex Court opined that if conduct or reputation of the petitioners was being examined issuance of a notice under Section 8B of the Act of 1952 is attracted. Paragraphs 17, 20 and 21 of the said judgment are extracted hereunder:

“17. Consequently, we find it unnecessary to consider in any further detail, the submissions made by counsel for the parties on this point. Insofar as point (ii) is concerned, it would be seen that the use of the word “or” between clauses (a) and (b) of Section 8-B of the Act makes it clear that Section 8-B would be attracted if requirement of either clause (a) or clause (b) is fulfilled. Clause (b) of Section 8-B applies when the conduct of any person is to be enquired into whereas clause (a) applies to a case where reputation of a person is likely to be prejudicially affected. As regards the enquiry about the conduct of Smt Kiran Bedi and Jinder Singh, even the Committee in its interim report specifically stated that the conduct of these two petitioners among others was to be examined. Having once so stated in unequivocal terms, it was not open to the Committee to still take the stand that Section 8-B was not attracted insofar as they were concerned. Recourse to procedure under Section 8-B is not confined to any particular stage and if not earlier, at any rate, as soon as the Committee made the aforesaid unequivocal declaration of its intention in its interim report, it should have issued notice under Section 8-B to the two petitioners, if it was of the view as it seems to be, for which view there is apparently no justification, that issue of a formal notice under Section 8-B was the sine qua non for attracting that section. At all events, the Committee could not deny the petitioners the statutory protection of Section 8-B by merely refraining from issuing a formal notice even though on its own declared intention the section was clearly attracted.

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20. Keeping in view the nature of the allegations made in the statements of case and the supporting affidavits filed on behalf of the various Bar Associations including the Delhi High Court Bar Association requirement of even clause (b) of Section 8-B was fulfilled inasmuch as if those allegations were proved they were likely to prejudicially affect the reputation of the two petitioners. Indeed, in view of the term of reference which contemplated taking of “stringent action” against all those responsible, even the

career of the petitioners as police officers was likely to be affected in case an adverse finding was recorded against them. In view of the aforesaid specific term of reference, the principle that the report of a Commission of Enquiry has no force *proprio vigore* does not on a pragmatic approach to the consequences seem to constitute sufficient safeguard so far as the petitioners are concerned.

21. The reason for the importance attached with regard to the matter of safeguarding the reputation of a person being prejudicially affected in clause (b) of Section 8-B of the Act is not far to seek.”

66. In **Lal Krishna Advani** (supra), the apex court also reiterated the principle that right to reputation is a facet of right to life of a citizen under Article 21 of the Constitution of India. At para 6, it was held as under:

“6. The High Court, while referring to a decision reported in *State of J&K v. Bakshi Gulam Mohammad* [AIR 1967 SC 122] observed that when an authority takes a decision, which may have civil consequences and affects the right of a person, the principles of natural justice would at once come into play. Reputation of an individual is an important part of one's life. The High Court then quoted a passage from a decision of this Court reported in *Kiran Bedi v. Committee of Inquiry* [(1989) 1 SCC 494 : AIR 1989 SC 714] which passage (SCC p. 515, para 25) contains the observations from an American decision in *D.F. Marion v. Minnie Davis* [55 American LR 171] and reads as follows:

“The right to enjoyment of a private reputation, unassailed by malicious slander is of ancient origin, and is necessary to human society. A good reputation is an element of personal security, and is protected by the Constitution equally with the right to the enjoyment of life, liberty and property.”

Some decisions, to which our attention has been drawn by Shri Harish N. Salve, learned Senior Counsel appearing for Respondent 1, may be referred: *Board of Trustees of the Port of Bombay v. Dilipkumar Raghavendranath Nadkarni* [(1983) 1 SCC 124 : 1983 SCC (L&S) 61] wherein it was observed that right to reputation is a facet of right to life of a citizen under Article 21 of the Constitution. He has also referred to the International

Covenant on Civil and Political Rights, 1965 (ICCPR), recognizing the right to have opinions and the right of freedom of expression subject to the right of reputation of others. The Covenant provides:

“1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) for respect of the rights or reputations of others;

(b) for the protection of national security or of public order (*ordre public*), or of public health or morals.”

It is thus amply clear that one is entitled to have and preserve one's reputation and one also has a right to protect it. In case any authority, in discharge of its duties fastened upon it under the law, traverses into the realm of personal reputation adversely affecting him, it must provide a chance to him to have his say in the matter. In such circumstances right of an individual to have the safeguard of the principles of natural justice before being adversely commented upon by a Commission of Inquiry is statutorily recognised and violation of the same will have to bear the scrutiny of judicial review. A reference may be made to *Peter Thomas Mahon v. Air New Zealand Ltd.* [1984 AC 808 : (1984) 3 All ER 201 : (1984) 3 WLR 884 (PC)]

67. It flows therefrom that if the right to reputation, which is a facet of right to life of a citizen under Article 21 of the Constitution of India, is likely to be affected by the decision of an authority, and it may have civil consequence, such a person is entitled to mandatory notice under Section 8B of the Act of 1952 giving a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence. Therefore, it was incumbent upon the Commission to disclose the adverse materials

whether in the form of oral or documentary evidence, which in the opinion of the Commission, would affect the conduct of such person or his reputation prejudicially by its findings. What constitutes the ingredients of a statutory notice, such as one under Section 8B of the Act of 1952? In this regard, it is to be observed that though the Rule does not specifically provide for a statutory format, the allegations or adverse material and the source from which it has been derived are required to be referred to and indicated in the notice under Section 8B of the Act of 1952 to enable such person a reasonable opportunity to defend himself. Section 8C provides every such person a right to cross-examine and representation by legal practitioner. This is considered necessary not only to test the veracity of the statement of witness but also to impeach the credibility of such a witness.

68. In the statutory scheme of the Act of 1952 and the Rules framed therein and the legal position rendered by the Supreme Court and the High Courts referred to above, it is now necessary to examine whether the findings of the Commission in its Report dated 31.07.2025 were adverse to the conduct or reputation of the petitioners.

69. A perusal of the findings of the Commission as extracted hereinabove *vis-a-vis* each of these petitioners would show that they

adversely comment upon the petitioners' conduct and are definitely prejudicial to their reputation. It is also evident from the nature of the summons issued upon them that none of the incriminating material relied upon by the Commission to record its findings against the petitioners were referred to or indicated in the summons.

70. A perusal of the summons upon the petitioners, THR and KCR, would show that they were called upon to be examined and hear them upon the terms of reference of the Commission on 09.06.2025. The summons also indicated that the petitioners are at liberty to produce documents and records upon which they desire to rely upon and place before the Commission for consideration. These petitioners were examined as Commission Witnesses Nos.114 and 115 respectively. The total number of witnesses examined by the Commission was 119. As such by the time these petitioners were examined, the Commission had almost examined rest of the witnesses. The Commission also had the records relating to the cabinet resolutions, reports of the WAPCOS, National Dam Safety Authority, High Power Committee, State Level Standing Committee etc. The petitioners upon receipt of the summons requested for certain documents on 06.06.2025. The said documents were supplied to them on 09.06.2025, i.e., the date of the appearance of

the petitioner, THR before the Commission. The petitioner, THR was examined on 09.06.2025. The petitioner was put questions regarding the reason for construction of barrages at Medigadda, Annaram and Sandilla and also on whether cabinet approvals for construction of these barrages were taken. The Commission also put questions on the recommendation of the High Power Committee to shift the location of Annaram and Sundilla barrages. A perusal of the statement made by the petitioner indicates that he was examined on various aspects relating to the approval of the construction of the barrage, recommendations of the High Power Committee and the Expert Committee etc.

71. The petitioner, KCR was examined on 11.06.2025. The petitioner was also put a number of questions relating to construction of the barrages at the three places as above. He was also questioned on other related aspects of the construction of the three barrages and matters regarding the Minutes of the Review Meeting; how the KIPCL will pay off the dues taken from various institutions; whether the Cabinet approval was there for construction of these barrages etc. However, the Commission had not referred to any adverse or incriminating materials - documentary or oral, in its summons to these petitioners, which in the

opinion of the Commission were likely to affect the conduct or reputation of the petitioner.

72. The argument of the respondents-State that the petitioners THR and KCR were fully cognizant of the documentary evidence in the form of resolutions of the Cabinet and the reports of various Committees, which on their request were also supplied to them, amounted to substantive compliance of the requirement of reasonable opportunity of being heard and to defend themselves as per Section 8B of the Act does not merit acceptance. It is settled law that there can be no estoppel against the statute. The petitioners, THR and KCR were not offered reasonable opportunity to defend themselves during their examination on the materials relied upon by the Commission to record its findings which are impinging upon their conduct and reputation. The mere supply of the documents on the same day, i.e., 09.06.2025 to the petitioner, THR would not amount to giving a reasonable opportunity as contemplated under Section 8B of the Act of 1952 which is inserted with a specific object and purpose to allow such persons notice of the adverse materials collected and available with the Commission for being confronted during the course of their examination. Similarly, the supply of documents asked for to petitioner, KCR on 09.06.2025 two days

before his examination on 11.06.2025 cannot be considered as discharge of the statutory responsibility upon the Commission to refer to and provide the incriminating materials on which it wanted to rely and form opinion on the conduct or reputation of the petitioner as contemplated under Section 8B of the Act of 1952. It is not in dispute that the materials sought for and supplied by the Commission to these petitioners on 09.06.2025 on 11.06.2025 were several and voluminous. Their examination on such materials either on the same day 09.06.2025 or 11.06.2025 in the respective cases cannot be construed as reasonable notice for defending themselves on questions put to them in relation to the decision making process, execution, implementation, operation and maintenance, awarding of tender of the three barrages. As such, whether the summons or notices upon these petitioners specifically referred to Section 8B of the Act of 1952 or not could not be of any significance as in substance the summons did not conform to the requirement of proper notice under Section 8B of the Act of 1952, to which the petitioners were entitled before any findings or comments adverse and prejudicial to their conduct and reputation could be recorded by the Commission. The argument to the contrary made on behalf of the respondents-State does not merit acceptance. The findings of the Commission on lapses related to Political Executives i.e., petitioners, THR and KCR, the then

Irrigation Minister and the then Chief Minister respectively that the entire project was characterised by rampant and brazen procedural and financial irregularities adversely comment upon the conduct of the petitioners and are prejudicial to their reputation. The Commission has also recorded that the petitioner, KCR is directly and vicariously accountable for irregularities and illegalities in planning, construction, completion, operation and maintenance of the three barrages. His involvement and directions are the cause and result of irregularities and distress to the three barrages. That the then Chief Minister, i.e., KCR was pre-determined and bent upon to construct barrage at Medigadda at his free choice and the authorities associated with the decision making facilitated them. The Commission had also observed that there was clinching evidence of an intent to siphon public funds to unduly favour agencies. These findings are definitely prejudicial to their conduct and reputation.

73. The requirement of a mandatory notice under Section 8B of the Act of 1952 is a statutory safeguard introduced in public interest to prevent loss of reputation, which is a facet of right to life to such persons. Any inference of waiver of such a right cannot be inferred by their appearance and examination by the Commission on the dates fixed.

Their participation in any other Commission of Inquiry constituted earlier like the one headed by Justice L.Narasimha Reddy cannot also be taken as a defence by the respondents-State to sustain the findings of the Commission against these petitioners. The respondents-State has placed reliance on the decision of **K.L.Tripathi** (supra) in support of their submissions. In **K.L.Tripathi** (supra), conduct of the appellant as a Branch Manager of the Bank was being enquired. The appellant was associated with the preliminary investigation and his versions or explanations were sought for and recorded. He had participated in the investigation, gave his explanation, neither disputed any of the facts questioning the veracity of the witnesses or the entries or the letters or documents shown to him upon which the charges were framed and upon which he was found guilty. The observations of the apex court that where there is no *lis* regarding the facts but certain explanation of the circumstances, there is no requirement of cross-examination to be fulfilled to justify fair play in action and no real prejudice has been caused to the party aggrieved by the order was rendered in the aforesaid context. The facts of the present case are distinct as the petitioners were not associated with the enquiry conducted by the Commission while recording the statement of other witnesses and collection of documentary evidence any time before they were asked to appear by the

summons dated 06.09.2025. The Commission did not refer to the incriminating materials in the summons issued to them on which the Commission sought to rely upon in course of their examination and while recording its finding against them. The proposition laid down in the cases of **N.Mani** (supra) and **P.K.Palanisamy** (supra) relied on by the respondents-State that mere non-mentioning or reference to a wrong provision of law would not vitiate the exercise of power so long as the source of power can be traced is well settled. However, insertion of Sections 8B and 8C in the Act of 1952 is a statutory procedural safeguard with a salutary purpose for protecting any adverse or prejudicial finding by the Commission on the conduct or reputation of such person without proper notice to them. The absence of a prescribed format or non-mentioning of Section 8B in the summons is not an issue. The absence of the incriminating material or its reference in the summons issued on the petitioners in substance renders the summons illusory and failing to comply with the statutory safeguard provided under Section 8B of the Act. The learned Senior Counsel for the respondents-State has referred to the decision of **R.Rajagopal** (supra) specifically paragraph 26, but the said case deals with the right to privacy guaranteed under the right to life and liberty to the citizens of the country under Article 21 of the Constitution of India. The decision

was rendered in the context of publication of the life story or biography of one Auto Shankar who was convicted for six murders and sentenced to death. In this background, the apex court examined the principles of right to privacy and freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution of India, which is subject to reasonable restrictions. The said decision is inapplicable in the facts of the present case, where the findings of the Commission have been assailed on the ground that they are prejudicial to the conduct and reputation of the petitioners which is a facet of right to life, without following the statutory safeguard under Section 8B of the Act of 1952.

74. The petitioners, SKJ and SS, who were serving as Indian Administrative Service officers working as the Chief Secretary and the Additional Secretary to the Chief Minister respectively during the decision making and execution of the project, also received a notice to attend the meeting before the Commission on 15.07.2024. Both the notices are in the same language and content and have been extracted in the foregoing paragraphs.

75. Pursuant to the notice, both the petitioners appeared before the Commission. They were asked to submit an affidavit containing their statement on affidavit. The petitioner, SKJ submitted the statement on

affidavit on 21.07.2024. He had retired in the year 2019. The petitioner, SS also submitted her statement on affidavit on 01.08.2024. Both the statements delineate in substance that their role and responsibilities in their official capacity during the relevant period. Thereafter, no notice or summons was issued upon them till December, 2024 when they were telephonically asked to appear before the Commission for examination. They appeared before the Commission on 18.12.2024 (SKJ) and 19.12.2024 (SS) respectively. Their statements were recorded as witnesses C.W.92 and C.W.95 respectively.

76. The petitioner, SKJ was asked questions relating to the decision on construction of barrages at Medigadda, Annaram and Sundilla; on the constitution of the High Power Committee, the scope of the State Level Standing Committee and whether any administrative approvals covering the project were taken. He was also asked questions regarding the design and plan of the project and the cause of the defect found in Medigadda barrage in Block No.7. The petitioner, SS was also asked questions regarding the construction of barrages at Medigadda, Annaram and Sundilla; whether the matter was placed before the cabinet for approval in respect of the said barrages, her role as Secretary to the Chief

Minister and whether any dissenting notes were placed before the Chief Minister.

77. The Commission evidently did not serve any notice containing any adverse materials upon these two petitioners as contemplated under Section 8B of the Act of 1952. The summons issued to the petitioners, SKJ and SS, dated 08.07.2024 and 12.07.2024 was only to attend the meeting with the Chairman of the Commission. It can in no way be treated as summons under Section 8B of the Act of 1952. No summons in any form was issued thereafter upon these two petitioners. They were telephonically informed to appear before the Commission for examination in December, 2024. It can therefore be concluded that no notice under Section 8B of the Act of 1952 was issued upon these two petitioners giving them a reasonable opportunity of being heard and defend themselves, against the materials collected during the inquiry by the Commission. The Commission recorded adverse findings on their conduct and reputation without giving them any reasonable opportunity of being heard as required under Section 8B of the Act. The petitioners have relied upon the case of **Canara Bank** (supra) on the proposition that notice must be precise and unambiguous as an approved rule of fair play in action and the principles of natural justice. The respondents-State

has on the other hand contended that all the findings are based upon the public records produced before the Commission. However, no such documents were supplied to the petitioners SKJ and SS to defend themselves during their examination. Evidently, the examination of these petitioners was not in course of the inquisitorial or investigative role of the Commission under Section 4 or 5(2) of the Act of 1952 for collecting evidence. If the Commission had the basis to render findings prejudicial to the conduct or reputation of these petitioners, it was obligatory upon it to provide them with the incriminating material, which it failed to do so. The contention of the respondents-State that the findings rendered by the Commission are confined to their role as public servants and do not impinge upon their personal conduct or reputation does not merit acceptance. The Commission has recorded that petitioner, SS was not diligent, rather negligent and irresponsible in discharge of her duties and is also liable for action for violation of the Business Rules of the Government. Similarly, the Commission has rendered a finding against the petitioner, SKJ as being liable for intentionally suppressing the Report of the Expert Committee constituted under G.O.Rt.No.28 with an oblique motive to enable the Government to construct the project at Medigadda. Therefore, appropriate action should be taken against him in accordance with law for committing irregularities and

violating the Business Rules of Government by not placing the file relating to G.O.Rt.No.212, dated 13.04.2025 and G.O.Rt.No.40, dated 18.01.2016 before the Cabinet for approval, though G.O.Rt.No.212 was subsequently ratified by the Cabinet on 03.06.2016. The findings cannot be construed as innocuous in nature. Such findings of the Commission prejudicially affect the conduct and reputation of the petitioners. They were, therefore, entitled to the statutory notice under Section 8B of the Act introduced to provide safeguard to the personal reputation of such persons likely to be affected by the findings of the Commission of Inquiry. The right of reputation has been treated as facet of right to life as reiterated in the case of **Lal Krishna Advani** (supra). This Court is, therefore, of the opinion that the Commission failed to observe the statutory requirement of service of notice under Section 8B of the Act of 1952 before recording the findings, which are prejudicial to the conduct and reputation of these petitioners. In these circumstances, following the ratio rendered by the apex court in the case of **Kiran Bedi** (supra) and **Lal Krishna Advani** (supra) and other decisions referred to hereinabove, it is held that the findings in the Report of the Commission dated 31.07.2025 which are prejudicial in nature and adversely affect the conduct and reputation of these petitioners shall be inoperative and no action shall be taken on the basis thereof. As observed in the case of **Lal**

Krishna Advani (supra), it may not be necessary for a person to wait till certain action is initiated by the Government considering the report of the Inquiry Commission, where the observations made by the Commission are such which militate against the reputation of a person and particularly, without giving any chance to such a person to explain his conduct.

Conclusion:

78. In view of the elaborate discussion made and the reasons recorded hereinabove, this Court holds:

(i) that the constitution of the Commission of Inquiry under Section 3 of the Commissions of Inquiry Act, 1952 vide G.O.Ms.No.6, dated 14.03.2024 is neither arbitrary, illegal nor *ultra vires* the Constitution of India and the Commissions of Inquiry Act, 1952; and

(ii) that the findings rendered by the Commission as are prejudicial to the conduct and reputation of the petitioners and have been rendered in violation of the principles of natural justice and the statutory safeguard provided under Section 8B of the Commissions of Inquiry Act, 1952, shall be inoperative and no action can be taken on the basis thereof.

79. The writ petitions are accordingly partly allowed in the manner indicated above. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

APARESH KUMAR SINGH, CJ

G.M.MOHIUDDIN, J

22.04.2026

Note: LR Copy be marked
(By order)
Pln