



2026:AHC-LKO:65662

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 4034 of 2026

Abhishek Prakash

.....Petitioner(s)

Versus

State of U.P. Thru. Deptt. of Appointment and Personnel Lko. and 5
others

.....Respondent(s)

Counsel for Petitioner(s)	: Utsav Mishra,
Counsel for Respondent(s)	: C.S.C.,

**Reserved on: 31.07.2026
Pronounced on: 17.09.2026**

Court No. - 17

HON'BLE RAJEEV SINGH, J.

1. Heard Shri Gaurav Mehrotra assisted by Shri Utsav Mishra and Shri Kaif Ali, learned counsel for the petitioner and Shri Shailendra Singh, learned Chief Standing Counsel assisted by Shri Aniruddh Singh, learned Standing Counsel for the State-respondents.

2. This petition has been filed with the following prayer:-

“To issue a writ, order or direction in the nature of Certiorari quashing the impugned order dated 20.03.2025, issued by Respondent no 4, including all proceedings based thereupon, copy whereof is contained as Annexure-1 to this Writ Petition.

To issue a writ, order or direction in the nature of Certiorari quashing the consequential impugned order dated 28.03.2025, issued by

Respondent no.5, including all proceedings based thereupon, copy whereof is contained as Annexure-2 to this Writ Petition.

To issue a writ, order or direction in the nature of Certiorari quashing the entire Open Vigilance Enquiry No. 64/2025 initiated against the Petitioner pursuant to the impugned order dated 20.03.2025 and the consequential impugned order dated 28.03.2025, after summoning the original records of the same from the Respondents.

To issue Writ, Order or Direction in the nature of Mandamus commanding Respondents to not to give effect to the impugned order dated 20.03.2025 and the consequential impugned order dated 28.03.2025.”

3. The origo of the case is that whether a complaint against Class-I Officer given without affidavit in violation of Government Order No. 13/1/97-का-1/1997 dated 09.05.1997, Karmik Anubhag-1, read with Government Order No. 13/1/97-का-1/2012 Karmik Anubhag-1, dated 19.04.2012, read with Government Order No. 10/2018-13(1)/1997/का-1-2018, Karmik Anubhag-1, dated 06.08.2018, can be entertained for vigilance enquiry without approval of the State Vigilance Committee, as prescribed in demi-official letter no. 2020/39(2)-12(5)-74, Satarkta Anubhag-2, dated 12.9.1995, read with 1323/उन्तालिस(2)-12(5)-74, Satarkta Anubhag-2, dated 18.5.1991, or not.

3.1. The letter dated 18.05.1991 is reproduced as under:-

डा० वी० के० सक्सेना,
मुख्य सचिव ।

गोपनीय
अर्थशासकीय पत्र सं०- 1323/ उन्तालिस (2)-
12 (8)/74
उत्तर प्रदेश शासन
सतर्कता अनुभाग-2
लखनऊ: दिनांक: 18 मई 1991

प्रिय महोदय,

जैसा कि आप अवगत है प्रशासकीय विभागों द्वारा किसी मामले में सतर्कता जाँच कराये जाने का विचार किये जाने पर उनके प्रस्ताव का गहराई से परीक्षण किये जाने एवं सतर्कता जाँच के सम्बन्ध में निर्णय लिये जाने हेतु प्रदेश में "राज्य सतर्कता समिति" गठित है। भ्रष्टाचार उन्मूलन के कार्य को प्रभावी बनाये जाने हेतु गत वर्ष समिति के कार्यक्षेत्र में वृद्धि की गई है।

2- इस सम्बन्ध में मुझे आपसे यह कहने की अपेक्षा की गई है कि समय-समय पर जारी समस्त पाश्यांकित आदेशों को अतिक्रमित करते हुये "राज्य सतर्कता समिति" को अब निम्नलिखित रूप से गठित किये जाने का निर्णय लिया गया है:-

अर्थशा० पत्रांक-155/39 (2)-9 (5)/70, दिनांक 25-1-74,
 अर्थशा० पत्रांक-2401/39 (2)-9 (5)/70, दिनांक 20-9-74,
 अर्थशा० पत्रांक-3939/39 (2)-9 (5)/70, दिनांक 28-1-75,
 अर्थशा० पत्रांक-4504/39 (2)-9 (5)/70, दिनांक 30-12-75,
 अर्थशा० पत्रांक-334/39 (2)-9 (5)/70, दिनांक 27-1-76,
 अर्थशा० पत्रांक-4790/39 (2)-12 (5)/74, दिनांक 1-11-76,
 अर्थशा० पत्रांक-2947/39 (2)-12 (5)/74, दिनांक 30-5-77,
 अर्थशा० पत्रांक-4908/39 (2)-12 (5)/74, दिनांक 8-9-77,
 अर्थशा० पत्रांक- 4402/39 (2)-12 (5)/74, दिनांक 6-9-77, (टी. सी.)
 अर्थशा० पत्रांक-6115/39 (2)-12 (5)/74, दिनांक 28-11-77,
 अर्थशा० पत्रांक-3245/39 (2)-12 (5)/74, दिनांक 27-1-88,
 अर्थशा० पत्रांक-559/39 (2)-12 (5)/74, दिनांक 22-2-88,
 अर्थशा० पत्रांक-यू० ओ०-36/39 (4)-12 (5)/74, दिनांक 24-3-90,

आदेशों को अतिक्रमित करते हुये "राज्य सतर्कता समिति" को अब निम्नलिखित रूप से गठित किये जाने का निर्णय लिया गया है:-

1- मुख्य सचिव	अध्यक्ष
2- आयुक्त, कृषि उत्पादन एवं ग्राम्य विकास	सदस्य
3- मा० मुख्य मंत्री जी के सचिव	सदस्य
4- गृह सचिव	सदस्य
6- सतर्कता सचिव	सदस्य/संयोजक

3- भ्रष्टाचार उन्मूलन मुख्यतया आपका दायित्व है तथा जैसा कि मेरे अर्धशासकीय पत्रांक-1262/39-4-91-42 (425)/89, दिनांक 30 अप्रैल, 1991 में स्पष्ट किया जा चुका है कि गम्भीर प्रकृति के भ्रष्टाचार सम्बन्धी मामलों में कुछ शर्तों के अधीन अराजपत्रित कर्मचारियों के सम्बन्ध में जाँच का कार्य आप सीधे भ्रष्टाचार निवारण संगठन को सौंप सकते हैं। भ्रष्टाचार सम्बन्धी आरोपों की जाँच सतर्कता विभाग से कराये जाने का अनुरोध सामान्यतया राजपत्रित अधिकारियों एवं समकक्ष लोक सेवकों के सम्बन्ध में ही किया जाना चाहिये। इस हेतु आवश्यक परीक्षण के उपरान्त, सतर्कता विभाग द्वारा जाँच का औचित्य प्रतीत होने पर, प्रशासकीय विभाग अपने प्रस्ताव सहित संबंधित पत्रावली एक स्वतः स्पष्ट टिप्पणी के साथ, जिसमें आरोपों का स्पष्ट उल्लेख हो तथा वे बिन्दु भी स्पष्टतया अंकित हो जिनके आधार पर सतर्कता जाँच का औचित्य पाया जा रहा है, दस स्वच्छ टंकित प्रतियों में सतर्कता विभाग को अप्रसारित करेंगे। प्रशासकीय विभाग इस बात का विशेष ध्यान रखेंगे कि मामला "राज्य सतर्कता समिति" के समक्ष सतर्कता विभाग के माध्यम से प्रस्तुत किये जाने की पूर्व वे स्वयं अपने प्रभारी मंत्री जी का अनुमोदन नहीं प्राप्त करेंगे। विभाग के मा० मंत्रीगण द्वारा जब कभी किसी मामले में सतर्कता जाँच कराने की जिज्ञासा की जाये तो उन्हें निर्धारित प्रक्रिया से अवगत करा दिया जाये। यदि "राज्य सतर्कता समिति" किसी मामले में सतर्कता जाँच कराये जाने का निर्णय लेती है तब सतर्कता विभाग द्वारा उच्चादेश प्राप्त करने के बाद (जिसमें प्र० वि० के प्रभारी मंत्री जी की स्वीकृति आवश्यक होगी) अग्रेतर कार्यवाही की जायेगी।

4- यदि किसी मामले में विचारोपरान्त "राज्य सतर्कता समिति" सतर्कता जाँच आदेशित करने के बजाय अन्य निर्णय लेती है तो संबंधित पत्रावली प्र० वि० को लिये गये निर्णय के अनुसार आवश्यक कार्यवाही किये जाने हेतु वापस कर दी जायेगी।

5. यह प्रक्रिया उन मामलों पर लागू नहीं होगी जिसमें मुख्य मंत्री जी स्वयं ही सतर्कता जाँच का आदेश देंगे।

6. सतर्कता जांच आदेशित करने मात्र से ही भ्रष्टाचार उन्मूलन का लक्ष्य प्राप्त नहीं हो जाता है। जाँच के समय से पूरा होने तथा उसके प्रभावी सम्पादन एवं जाँच के पूर्ण होने के उपरान्त उसके निष्कर्षों पर विचार कर प्रभावी दण्डात्मक कार्यवाही करना भी उतना ही महत्वपूर्ण है। अतः इस दृष्टिकोण से "राज्य सतर्कता समिति" सतर्कता जाँच आदेशित करने के कार्य के साथ-साथ निम्न कार्य भी करेगी-

1- सतर्कता जाँच में दोषी पाये गये लोक सेवकों के संबंध में, सतर्कता विभाग द्वारा गहन परीक्षण के उपरान्त एवं जीव से प्राप्त निष्कर्षों के आधार पर बृहद दण्ड या लघु दण्ड देने की संस्तुति की जाती है या अभियोजन चलाये जाने हेतु विधिक पूर्व स्वीकृति प्रदान करने की संस्तुति की जाती है। अतः सतर्कता विभाग की संस्तुति के अनुरूप ही कार्यवाही किये जाने का पर्याप्त आधार है और उसे गम्भीरता से लिया जाना चाहिये, यद्यपि सतर्कता विभाग की संस्तुति से भिन्न कार्यवाही करने का निर्णय लिये प्र० वि० अपने विवेक के अनुसार निर्णय ले सकने में पूर्णतः सक्षम है। अतएव जब सतर्कता विभाग द्वारा अभियोजन की कार्यवाही की संस्तुति की जाय और प्र० वि० उसे स्वीकार न कर मामले को समाप्त करने का विचार करें या भिन्न कार्यवाही करने का निर्णय लेना चाहे या सतर्कता विभाग द्वारा बृहद या लघु दण्ड देने की संस्तुति किये जाने पर प्र० वि० द्वारा प्रस्तावित स्तर से निम्न स्तर का दण्ड देने का विचार किया जाये या मामले को समाप्त करने पर विचार किया जाये तो अन्तिम निर्णय लेने के पूर्व "राज्य सतर्कता समिति" के समक्ष सतर्कता सचिव के माध्यम से मामला प्रस्तुत किया जायेगा और समिति का मत प्राप्त हो जाने के उपरान्त अग्रिम कार्यवाही की जायेगी।

2- सतर्कता विभाग द्वारा की गई संस्तुति पर दंडित लोक सेवक यदि अपील अथवा प्रत्यावेदन करता है और यदि प्र० वि० इस अपील/प्रत्यावेदन को स्वीकार करना चाहते हैं तो उस पर अन्तिम निर्णय लेने के पूर्व उसे सतर्कता सचिव के माध्यम से "राज्य सतर्कता समिति" के समक्ष प्रस्तुत कर उनका मत प्राप्त करने के उपरान्त ही अग्रिम कार्यवाही की जायेगी।

3- प्रशासनाधिकरण से संबंधित मामलों में प्रशासकीय विभागों द्वारा कार्यवाही किये जाने के बारे में विस्तृत निर्देश तत्कालीन मुख्य सचिव के स्तर से जारी कार्यालय ज्ञाप सं० - 6285/ उन्तालिस (2)-2 (8)/1977, दिनांक 7 फरवरी, 1978 में है। फिर भी यदि प्र० वि० प्रशासनाधिकरण की जांच आख्या के आधार पर सतर्कता विभाग द्वारा संस्तुत किये गये दण्ड से भिन्न दण्ड देना चाहते हैं तो उस पर अन्तिम निर्णय लेने के पूर्व उसे सतर्कता सचिव के माध्यम से "राज्य सतर्कता समिति" के समक्ष प्रस्तुत कर उनका मत प्राप्त करने के उपरान्त अग्रिम कार्यवाही की जायेगी।

4- "राज्य सतर्कता समिति" सतर्कता विभाग द्वारा संस्तुत मामलों में प्र० वि० में हो रहे विलम्ब की भी समीक्षा करेगी।

कृपया तात्कालिक प्रभाव से उपरोक्तानुसार कार्यवाही सुनिश्चित करें।

भवदीय,
डा० वी० के० सक्सेना,

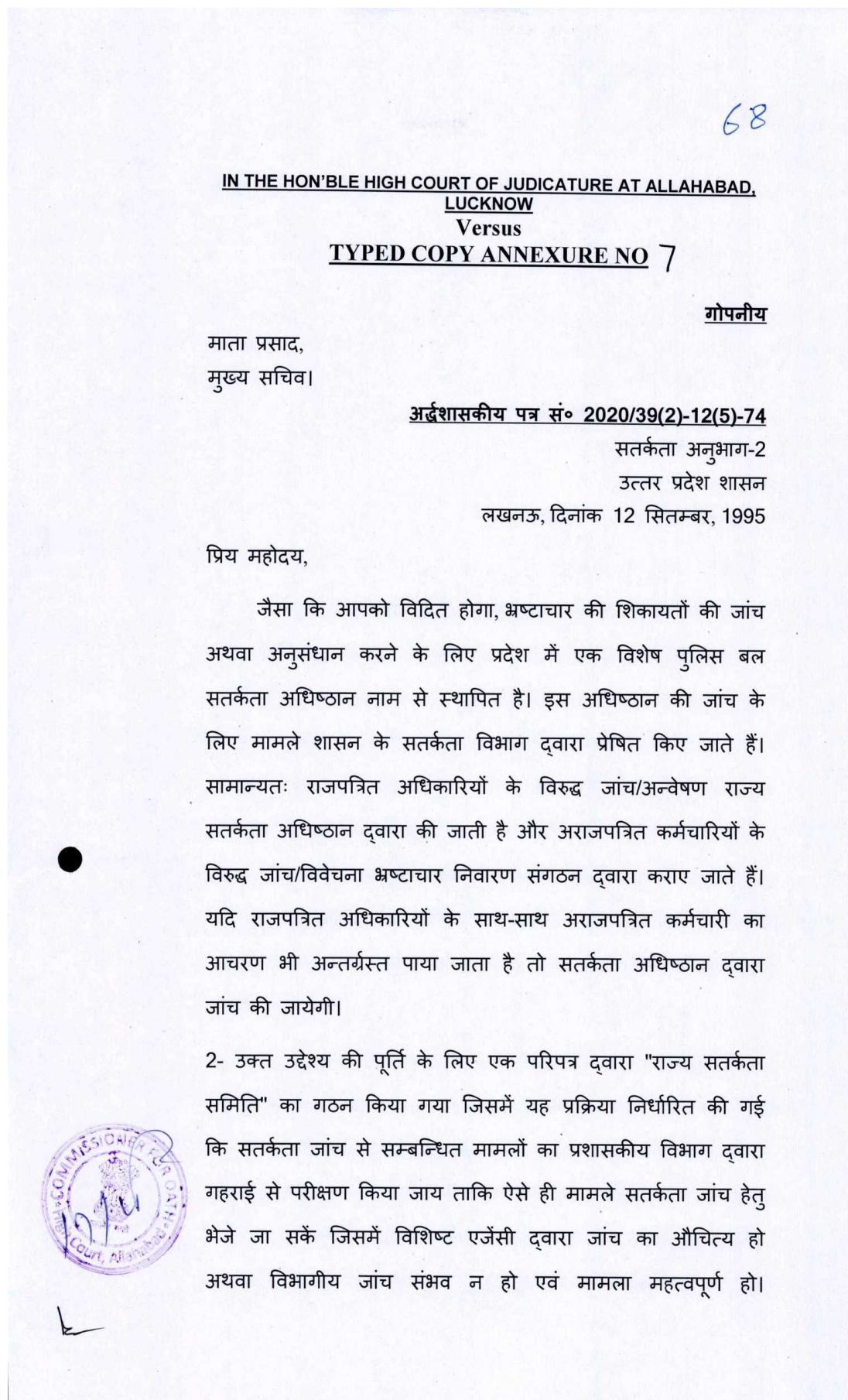
समस्त प्रमुख सचिव, सचिव, विशेष सचिव (नाम से)

पृष्ठांकन संख्या-1323 (1)/ उन्तालिस (2)-12 (5)/74, तद्दिनांकित

प्रतिलिपि सचिवालय के समस्त अनुभागों को सूवनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित ।

आज्ञा से,
विनोद कुमार सिन्हा,
अनुसचिव ।

3.2. The letter dated 12.09.1995 is reproduced as under:-



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भ्रष्टाचार सम्बन्धी मामलों की जांच सतर्कता विभाग से कराये जाने का अनुरोध प्रशासकीय विभागों द्वारा सामान्यतया राजपत्रित अधिकारियों एवं समकक्ष लोक सेवकों के सम्बन्ध में ही किया जाना चाहिए। इस हेतु आवश्यक परीक्षण करने के उपरान्त सतर्कता जांच का औचित्य प्रतीत होने पर प्रशासकीय विभाग अपने प्रस्ताव सहित सम्बन्धित पत्रावली एक स्वतः स्पष्ट टिप्पणी के साथ जिसमें आरोपों का स्पष्ट उल्लेख हो अथवा वे बिन्दु भी स्पष्टतया अंकित हों जिनके आधार पर सतर्कता जांच का औचित्य पाया जा रहा है, इस स्वच्छ टंकित प्रतियों में सतर्कता विभाग को अग्रसारित करेंगे तथा "राज्य सतर्कता समिति" के समक्ष सतर्कता विभाग के माध्यम से प्रस्तुत किए जाने के पूर्व वे स्वयं अपने प्रभारी मंत्री जी का अनुमोदन प्राप्त नहीं करेंगे। यदि "राज्य सतर्कता समिति" किसी मामले में सतर्कता जांच कराए जाने का निर्णय लेती है, तब सतर्कता विभाग द्वारा ही उच्चादेश प्राप्त करने के बाद (जिसमें प्रशासकीय विभाग के प्रभारी मंत्री जी की स्वीकृति आवश्यक होगी) अग्रतर कार्यवाही की जाएगी।

3- "राज्य सतर्कता समिति" का वर्तमान स्वरूप निम्नवत् है:-

- 1- मुख्य सचिव — अध्यक्ष
- 2- आयुक्त, कृषि उत्पादन एवं ग्राम्य विकास — सदस्य
- 3- माननीय मुख्य मंत्री जी के सचिव — सदस्य
- 4- गृह सचिव — सदस्य
- 5- सतर्कता सचिव/प्रमुख सचिव, सतर्कता — सदस्य/संयोजक



4- सतर्कता जांच आदेशित करने मात्र से ही भ्रष्टाचार उन्मूलन का लक्ष्य नहीं प्राप्त हो जाता है। जांच के समय से पूरा होने तथा उसके प्रभावी सम्पादन एवं जांच के पूर्ण होने के उपरान्त उसके निष्कर्षों पर विचार कर प्रभावी दण्डात्मक कार्यवाही भी उतना ही महत्वपूर्ण है।

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अतः इस दृष्टिकोण से भ्रष्टाचार उन्मूलन के कार्य को अधिक प्रभावशाली बनाए जाने के उद्देश्य से "राज्य सतर्कता समिति" के कार्य-क्षेत्र में समय-समय पर वृद्धि की गई है। वर्तमान में "राज्य सतर्कता समिति" के कार्य-क्षेत्र में सतर्कता जांच आदेशित करने के साथ-साथ निम्न कार्य भी किए जाते हैं:-

(1) सतर्कता विभाग द्वारा की गई जांच के उपरान्त दोषी पाए गए लोक सेवकों के विरुद्ध सतर्कता विभाग द्वारा की गई संस्तुति से यदि प्रशासकीय विभाग सहमत न हों और भिन्न मत रखते हों, तो अन्तिम निर्णय लेने के लिए "राज्य सतर्कता समिति" के समक्ष सतर्कता विभाग के माध्यम से मामला प्रस्तुत किया जाएगा और अग्रेतर कार्यवाही समिति के आदेश प्राप्त करने के बाद की जाएगी।

(2) सतर्कता विभाग द्वारा की गई संस्तुति पर दण्डित लोक सेवक यदि अपील करता है और प्रशासकीय विभाग उस अपील को स्वीकार करना चाहते हैं तो उस पर अन्तिम निर्णय लेने से पूर्व सतर्कता सचिव के माध्यम से "राज्य सतर्कता समिति" के समक्ष प्रस्तुत कर उसका मत प्राप्त करने के उपरान्त ही अग्रेतर कार्यवाही की जायेगी।

(3) इसी प्रकार प्रशासनाधिकरण से सम्बन्धित मामलों में यदि प्रशासकीय विभाग सतर्कता विभाग द्वारा की गई संस्तुति से भिन्न मत रखते हैं तो अन्तिम निर्णय लेने के पूर्व उसे सतर्कता सचिव के माध्यम से "राज्य सतर्कता समिति" के समक्ष प्रस्तुत कर उसका मत प्राप्त करने के उपरान्त ही कार्यवाही की जायेगी।



(4) "राज्य सतर्कता समिति" के सामने वे प्रकरण भी रखे जायेंगे जिसमें सतर्कता विभाग द्वारा की गई संस्तुतियों के क्रियान्वयन में प्रशासकीय विभाग में विलम्ब हो रहा हो।

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(5) जिन मामलों में सतर्कता निर्देशक निर्दिष्ट समय सीमा के अन्दर जांच समाप्त नहीं कर पाते उनमें समय बढ़ाने हेतु प्रस्ताव भी "राज्य सतर्कता समिति" के सामने रखे जायेंगे।

5- इधर हाल में प्रायः यह देखने में आ रहा है कि प्रशासकीय विभागों द्वारा विहित प्रक्रिया का अनुपालन नहीं किया जा रहा है। प्रशासकीय विभागों द्वारा सतर्कता जांच हेतु जो प्रस्ताव सतर्कता विभाग के माध्यम से "राज्य सतर्कता समिति" के विचारार्थ भेजे जाते हैं उनमें विभागीय मंत्री के पूर्व में आदेश प्राप्त कर लेते हैं। इसी प्रकार प्रशासकीय विभागों द्वारा सतर्कता विभाग की संस्तुति से भिन्न कार्यवाही करने की स्थिति में भी "राज्य सतर्कता समिति" के समक्ष प्रस्ताव भेजने के पूर्व उच्चादेश प्राप्त कर लिये जाते हैं इस प्रकार के मामले जब सतर्कता विभाग के संज्ञान में आते हैं तो विवशता की स्थिति स्वीकार करने में सतर्कता विभाग को बाध्य होना पड़ता है। यह स्थिति संतोषजनक नहीं है।

6- यह भी देखने में आ रहा है कि प्रशासकीय विभागों द्वारा सतर्कता विभाग की संस्तुति से भिन्न कार्यवाही किए जाने के प्रकरण सतर्कता विभाग के माध्यम से "राज्य सतर्कता समिति" के समक्ष बहुत अधिक संख्या में प्रस्तुत किए जा रहे हैं। उल्लेखनीय है कि किसी मामले में सतर्कता जांच के उपरान्त सतर्कता विभाग में प्राप्त अन्तिम साक्ष्यों को गहराई से परीक्षण करने के उपरान्त एवं आवश्यकतानुसार न्याय विभाग का परामर्श प्राप्त करने के उपरान्त सतर्कता विभाग द्वारा संस्तुति की जाती है, जिसका पर्याप्त समुचित आधार होता है। अतः सतर्कता विभाग की संस्तुतियों पर प्रशासकीय विभागों द्वारा निर्णय लेते समय उक्त तथ्य को दृष्टिगत रखना चाहिए एवं भिन्न कार्यवाही का पर्याप्त औचित्य पाने पर ही अन्तिम निर्णय लेने के पूर्व प्रस्ताव "राज्य सतर्कता समिति" के समक्ष सन्दर्भित करना चाहिए।



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7- यह भी देखने में आ रहा है कि सतर्कता अधिष्ठान की जांच के फलस्वरूप अथवा प्रशासनाधिकरण द्वारा जांच के परिणाम पर की गई संस्तुति के अनुसार विभागीय कार्यवाही के मामलों में प्रशासकीय विभागों के स्तर पर अत्यधिक विलम्ब होता है। इसके कारण न केवल ऐसी कार्यवाही का निरोधक प्रभाव समाप्त होता है, वरन् सतर्कता विभाग में तथा उनके अधीनस्थ संस्थानों में अनावश्यक पत्र-व्यवहार में काफी श्रम और समय का अपव्यय होता है।

8- उपरोक्त तथ्यों को दृष्टिगत रखते हुए पुनः निर्देशित किया जाता है कि प्रशासकीय विभाग ऐसे मामलों में जिनमें वे सतर्कता जांच कराना चाहते हैं उनके सम्बन्ध में यह सुनिश्चित कर लें कि उक्त मामले की प्रारम्भिक जांच विभागीय स्तर पर हो चुकी है अथवा मामला विभागीय स्तर पर देखा जाना सम्भव नहीं है। उक्त प्रस्ताव "राज्य सतर्कता समिति" के समक्ष प्रेषित करने के पूर्व प्रशासकीय विभाग विभागीय मंत्री का अनुमोदन नहीं प्राप्त करेंगे। इसी प्रकार सतर्कता विभाग की संस्तुति से भिन्न कार्यवाही के वे ही प्रकरण बिना विभागीय मंत्री के अनुमोदन लिए "राज्य सतर्कता समिति" समक्ष प्रेषित किए जाएं जिनमें भिन्न कार्यवाही किए जाने का पूर्ण औचित्य एवं आधार हो।

9- यह भी निर्देशित किया जाता है कि शासन स्तर पर सतर्कता विभाग में प्राप्त जाँच आख्या के परीक्षणोपरान्त जो मामले प्रशासकीय विभागों को सन्दर्भित किए जाते हैं उनमें से वे मामले जिनमें अनुशासनिक कार्यवाही का निर्णय लिया जाता है उनमें कार्मिक विभाग द्वारा समय-समय पर जारी किए गए शासनादेशों के अनुरूप समय-सारिणी (संलग्न) के अनुसार कार्यवाही की जाय एवं कार्यवाही के पूर्ण हो जाने पर तुरन्त इसकी सूचना सतर्कता विभाग को दी जाय



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ताकि सम्बन्धित मामलों का यथाविधि निपटारा हो जाय और वे
निरर्थक लम्बित न रहें।

कृपया इन आदेशों का कड़ाई से अनुपालन सुनिश्चित करें।

भवदीय,

माता प्रसाद,

संलग्नक: यथोपरि।

अपर मुख्य सचिव, समस्त प्रमुख सचिव/सचिव/विशेष सचिव (नाम से)

पृष्ठांकन संख्या 2020(1)/39(2)--12(5)-74, तद्दिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु
प्रेषित:-

- (1) समस्त विभागाध्यक्ष,
- (2) समस्त मण्डलायुक्त,
- (3) समस्त जिलाधिकारी,
- (4) समस्त पुलिस महानिदेशक,
- (5) समस्त जोनल पुलिस महानिरीक्षक,
- (6) समस्त उप पुलिस महानिरीक्षक,
- (7) समस्त वरिष्ठ पुलिस अधीक्षक,
- (8) समस्त पुलिस अधीक्षक,
- (9) उ० प्र० सचिवालय के समस्त अनुभाग।



आज्ञा से,
एम.एस.कुदेसिया,
उप सचिव।

3.3. The letter dated 09.05.1997 is reproduced as under:-

"IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
SITTING AT LUCKNOW"

Abhishek Bhaksh Versus State of U.P.
Annexure no. 4

56

संलग्न - 2

-3-

संख्या 13/1/97-का-1/1997

प्रेषक,

जगजीत सिंह,
सचिव,
उत्तर प्रदेश शासन।

सेवा में

समस्त प्रमुख सचिव/सचिव,
उत्तर प्रदेश शासन।

लखनऊ, दिनांक : 9 मई, 1997

विषय : समूह "क" (श्रेणी - 1) के अधिकारियों के विरुद्ध प्राप्त शिकायती-पत्रों का निस्तारण।

महोदय,

कार्मिक
अनुभाग-1

कतिपय स्रोतों से शासन के विभिन्न स्तरों पर अधिकारियों के विरुद्ध शिकायतें प्राप्त होती रहती हैं। इनमें कुछ माओ सांसदों/विधायकों से प्राप्त शिकायतें होती हैं तथा कुछ अन्य स्रोतों/व्यक्तियों से प्राप्त होती हैं। कतिपय मामलों में यह देखा गया है कि शिकायती-पत्रों में अंकित शिकायत कर्ता का नाम फर्जी है तथा शिकायतें निराधार व तथ्यहीन हैं। कतिपय मामलों में किसी विशिष्ट व्यक्ति के पैड का दुरुपयोग करते हुए फर्जी हस्ताक्षर से शिकायती पत्र दिये जाते हैं।

2-अतः बेनामी अथवा फर्जी शिकायतों की बढ़ती प्रवृत्ति को दृष्टि में रखते हुए सम्यक विचारोपरान्त शासन द्वारा निर्णय लिया गया है कि समूह "क" (श्रेणी-1) के सभी अधिकारियों के विरुद्ध प्राप्त शिकायती-पत्रों के निस्तारण हेतु निम्नलिखित प्रक्रिया अपनायी जाय :-

(1) विशिष्ट व्यक्तियों से प्राप्त शिकायती-पत्रों के सम्बन्ध में कार्यवाही आरम्भ करने से पूर्व सम्बन्धित विशिष्ट व्यक्ति को पत्र भेजकर यह पुष्टि करा ली जाय कि पत्र उन्हीं के द्वारा हस्तक्षरित है और शिकायतों के सम्बन्ध में उनका सन्तोष हो गया है कि शिकायतें तथ्यों पर आधारित हैं।

(2) अन्य स्रोतों/व्यक्तियों से प्राप्त शिकायतों के सम्बन्ध में शिकायतकर्ता से इस बारे में एक शपथ-पत्र उपलब्ध कराने तथा शिकायतों की पुष्टि हेतु समुचित साक्ष्य उपलब्ध कराने को कहा जाय और इसके प्राप्त होने के उपरान्त ही आगे कार्यवाही की जाय।

3-अतः आपसे यह अनुरोध करने का मुझे निदेश हुआ है कि समूह "क" (श्रेणी-1) के अधिकारियों के विरुद्ध प्राप्त शासन के विभिन्न स्तरों पर लम्बित/प्राप्त होने वाले समस्त शिकायती-पत्रों का उपरोक्त निर्णयों के अनुसार ही निस्तारण सुनिश्चित करने का कष्ट करें।

भवदीय,

जगजीत सिंह,
सचिव।

संख्या 13/1/97-का-1/1997, तददिनांक

प्रतिलिपि निम्नलिखित को सूचनाार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- (1) प्रमुख सचिव, सतर्कता विभाग, उ०प्र० शासन।
- (2) समस्त विभागाध्यक्ष/प्रमुख कार्यालयाध्यक्ष, उ०प्र०
- (3) सचिवालय के समस्त अनुभाग।

आज्ञा से,
के० एम० लाल,
विशेष सचिव।



3.4. The letter dated 06.08.2018 is reproduced as under:-

"IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
SITTING AT LUCKNOW"
No. of 20
Versus
Annexure no.

संख्या-10/2018-13(1)/1997/का-1-2018

प्रेषक,

अनूप चन्द्र पाण्डेय,
मुख्य सचिव,
उत्तर प्रदेश शासन।

सेवा में,

- (1) समस्त अपर मुख्य सचिव/प्रमुख सचिव/सचिव, उत्तर प्रदेश शासन।
- (2) समस्त विभागाध्यक्ष/प्रमुख कार्यालयाध्यक्ष उत्तर प्रदेश।
- (3) समस्त मण्डलायुक्त/जिलाधिकारी उत्तर प्रदेश।

कार्मिक अनुभाग-1

लखनऊ : दिनांक 06 अगस्त, 2018

विषय:- सरकारी अधिकारी/कर्मचारियों के विरुद्ध प्राप्त शिकायती पत्रों का निस्तारण।

महोदय,

कृपया समूह 'क' के अधिकारियों एवं समूह 'ख', 'ग' तथा 'घ' के सरकारी सेवकों के विरुद्ध प्राप्त शिकायती पत्रों के निस्तारण हेतु निर्गत कार्मिक विभाग के शासनादेश क्रमशः दिनांक 09 मई 1997, दिनांक 01 अगस्त 1997 तथा दिनांक 19 अप्रैल 2012 (सुलभ संदर्भ हेतु प्रतिलिपियां संलग्न) का संदर्भ ग्रहण करने का कष्ट करें।

2- शासन के संज्ञान में यह तथ्य लाया गया है कि कतिपय स्तरों पर शिकायती पत्रों का निस्तारण उपरिसंदर्भित शासनादेशों में विहित प्रक्रियानुसार नहीं किया जा रहा है। फलतः उक्त आदेशों का पालन न करने के साथ ही मा0 उच्च न्यायालय के निर्देशों का अक्षरशः अनुपालन न होने की स्थितियां भी उत्पन्न हो रही हैं।

3- अतएव इस संबंध में मुझे पुनः यह कहने का निदेश हुआ है कि सरकारी सेवकों के विरुद्ध प्राप्त शिकायती पत्रों के निस्तारण के प्रत्येक मामले में उपरिसंदर्भित शासनादेशों दिनांक 09 मई 1997, दिनांक 01 अगस्त 1997 तथा दिनांक 19 अप्रैल 2012 में वर्णित प्रक्रिया का कड़ाई से अनुपालन सुनिश्चित कराने का कष्ट करें।
संलग्नक: यथोपरि।

भवदीय,
अनूप चन्द्र पाण्डेय
मुख्य सचिव।

संख्या-10/2018-13(1)/1997(1)/का-1-2018, तदुद्दिनांक

प्रतिलिपि, निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. प्रमुख सचिव, राज्यपाल: महोदय, उत्तर प्रदेश।
2. कृषि उत्पादन आयुक्त, उत्तर प्रदेश।
3. प्रमुख सचिव, विधान सभा/विधान परिषद, उत्तर प्रदेश।
4. सचिव, लोक सेवा आयोग, उत्तर प्रदेश, इलाहाबाद।
5. सचिव, उत्तर प्रदेश अधीनस्थ सेवा चयन आयोग, लखनऊ।
6. मीडिया सलाहकार, मा0 मुख्य मंत्री जी।
7. निदेशक, सूचना विभाग, उत्तर प्रदेश।
8. सचिवालय के समस्त अनुभाग।
9. गार्ड फाइल।

आमा से,
मुकुल सिंहल
अपर मुख्य सचिव।

- 1- यह शासनादेश इलेक्ट्रॉनिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।
- 2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।



4. Learned counsel for the petitioner has submitted that the petitioner is member of Indian Administrative Service, U.P. Cadre, 2006 Batch, and presently posted as Secretary, Department of General Administrative, Government of U.P. The petitioner performed his duties to the best of his ability, sincerity, and devotion, and he worked on important assignments in the State of U.P. At the relevant point of time, the petitioner was posted on the post of Secretary, Department of Industry and Infrastructure Development, and Chief Executive Officer, Invest U.P., Government of U.P. Meanwhile, a complaint dated 20.03.2025 was preferred by one Mr. Biswajit Datta, official of S.A.E.L., Solar P6 Private Limited (hereinafter referred to as 'the Company'), to the Chief Secretary of Uttar Pradesh, with the allegation that Company was willing to establish a unit for manufacturing parts to be used in solar cell and solar energy, and online application was submitted before Invest U.P. The request for this proposed project was being considered in the meeting of Evaluation Committee of Invest U.P. It is also alleged that a senior officer of Invest U.P. had given a mobile number of a private person, namely, Mr. Nikant Jain, stating that if Mr. Jain was desirous, then the application of the Company would be approved by the Empowered Committee and the Cabinet. It is alleged in the complaint dated 20.03.2025 that upon conversation with Mr. Jain with regard to facilitating the approval of the application, a demand of 5% of the project was made, which was refused by the Company. Thereafter, it came into notice that despite approval, his case was deferred, and later on, Mr. Jain told him that without him, his project will not be approved, and also requested for approval of the project.

4.1. It has further been submitted that the State Government, vide Government Order dated 09.05.1997, has provided guidelines to be exercised by the authorities while accepting the complaints against Group-A/Class-1 officers of the State Government. The aforesaid Government Order provides that complaint shall not be acted upon if not supported by an affidavit with credentials of the complainant. This

controversy was also dealt with by the Writ Court in Writ Petition No. 4372 (S/S) of 2011 (*Kumdesh Kumar Sharma vs. State of UP and Others*) dated 03.01.2012, and it was held that the purpose of issuing the Government Order dated 09.05.1997 and 01.08.1997 is not only to safeguard the government officer from unnecessary harassment, but also to curb the tendency of making frivolous and anonymous complaints against government servants. After passing of the aforesaid judgment, the State Government, vide Government Order bearing no. 10/2018-13(1)/1997/का-1-2018 dated 06.08.2018, issued further clarification with regard to disposal of the complaint against Government servant strictly in adherence of the Government Orders dated 09.05.1997, 01.08.1997, and 19.04.2012, before inquiring into the complaints made against the Government servant.

4.2. It has next been submitted that on the allegations made by the officials of the company, the disciplinary proceeding was also initiated by the State Government vide office memo dated 20.03.2025 and the petitioner was also placed under suspension and disciplinary proceedings under the All India Services (Discipline and Appeal) Rules, 1969 were initiated. The Special Secretary, Section-5, Department of Appointment, issued the impugned order dated 20.03.2025, addressed to Additional Chief Secretary/Principal Secretary, Department of Vigilance, requesting for initiation of vigilance inquiry against the petitioner with regard to his disproportionate assets, merely on the basis of conjectures and surmises. In pursuance of the impugned letter, Under Secretary, Vigilance Department, wrote a letter dated 28.03.2025 addressed to Director, U.P. Vigilance Establishment, Lucknow, for vigilance inquiry. In this regard, Vigilance Inquiry No. 64 of 2025 was initiated against the petitioner.

4.3. It has also been submitted that the impugned orders have been passed without following the Government Orders and examining the material for making out a vigilance inquiry against the petitioner for disproportionate assets. Vide demi-official letter dated 18.05.1991 issued

by Chief Secretary of the State of U.P., State Government decided to create State Vigilance Committee to consider the feasibility of vigilance inquiry against the gazetted officers of the State Government. The Committee comprised of five members headed by Chief Secretary, and the Secretary of the Department of Vigilance would be the Secretary of the Committee. In case the State Vigilance Committee decides for vigilance inquiry, then the Vigilance Department would take orders from the concerned Minister, and prior to placing it before the State Vigilance Committee, no approval would be taken from the concerned Minister.

4.4. It has been submitted that vide demi-official letter dated 12.09.1995 issued by Vigilance Department, Satarkta Anubhag-2, the provisions of the earlier demi-official letters were reiterated stating that in case the administrative department is willing for vigilance inquiry, then they must ensure that at the level of department, preliminary inquiry had already been conducted and prior to placing it before the State Vigilance Committee, no formal approval be taken from the concerned Minister. In the present case, the departmental proceeding was also initiated against the petitioner, which was pending. However, at the same time, without any approval from the State Vigilance Committee, administrative department requested to the Principal Secretary, Department of Vigilance, for vigilance inquiry.

4.5. It has further been submitted that in the case of ***Ram Lakhan Singh Vs. State of U.P.*** reported in ***2015 (16) SCC 715***, Hon'ble Supreme Court held that prior approval of State Vigilance Committee applies in the cases where the administrative department recommends the case. It is apparent that on the alleged complaint of the official of the company, which is the basis of the impugned inquiry, F.I.R. No. 111 of 2025 under Section 308(5) of B.N.S. and Section 8/12 of Prevention of Corruption Act was lodged at Police Station- Gomti Nagar, Lucknow against Nikant Jain. The chargesheet dated 15.05.2025 was filed by the Investigating Officer before the competent Court, in which, a

summoning order was passed against Nikant Jain. The said chargesheet dated 15.05.2025 and the summoning order dated 17.05.2025 and all the consequential proceedings arising out of F.I.R. No. 111 of 2025 (supra) were assailed by Nikant Jain before the High Court in Petition u/s 528 B.N.S.S. No. 1822 of 2025 (*Nikant Jain vs. State of U.P. and another*), in which, official of company, namely, Mr. Biswajit Datta filed counter affidavit, wherein it was categorically submitted before the High Court that complaint dated 20.03.2025 was made by him due to utter confusion and misunderstanding, as he was not aware that the report of Yamuna Expressway Industrial Development Authority (YEIDA) and Uttar Pradesh Power Corporation Limited (UPPCL) was awaited regarding the availability of land and no money was given by the complainant to Nikant Jain.

5. The contents of para 4, 5, 6, 7, 8, 9, and 10 of the counter affidavit of the official of the company, namely, Mr. Biswajit Datta are as under:

“4. That the deponent company SAEL Solar P-6 Pvt Ltd had made an application on 03.12.2024 online before the Invest-UP under the Uttar Pradesh Industrial Investment and Employment Promotional Policy, 2022 for setting up a manufacturing unit of solar cell and solar module alongwith solar plant. to be established under the Yamuna Expressway Industrial Development Authority (hereinafter referred as YEIDA).

5. That the first evaluation committee meeting was convened on 24th February 2025, second evaluation meeting was convened on 12th March, 2025 and the third meeting on 25th March, 2025. In the third meeting the application preferred by the company of the deponent was recommended by the evaluation committee and to be placed before the High Level Empowered Committee.

6. That after the second evaluation committee convened on 12th March, 2025 out of utter confusion & misunderstanding an application dated: 20.03.2025 was made on behalf the deponent to the Chief Secretary, Government of Uttar Pradesh.

7. *That later on it had come to the knowledge of the deponent that the project was put for re-evaluation in the meeting held on 12th March, 2025 as the information pertaining to the subsidy to be provided on land and electricity were not on record. On receipt of this information these were incorporated with proposal and finally the proposal was recommended to the High Level Empowered Committee in the evaluation committee meeting held on 25th March, 2025.*

8. *That it pertinent to state that complete information from YEIDA regarding availability of 200 acres of land, its allotment rate and land development charges or its exemption on said land; clear opinion from Electricity Department with regard to the subsidies/concessions were necessary for the evaluation of the proposal, these were not available on 12th March, 2025 when the second evaluation committee was convened for the proposal of the company of the deponent.*

9. *That it would be important to state that only after the receipt of the above mentioned information as stated in the preceding paragraph 7 the evaluation committee in its meeting held on 25th March, 2025 recommended the proposal of the company of the deponent to the High Level empowered Committee.*

10. *That the position so stated in the instant affidavit in Paragraph 6 to 9 has also been brought to the notice of the state government by the deponent vide letter dated 25.11.2025 duly served physically in the office of the Chief Secretary, Government of Uttar Pradesh on 01.12.2025 and through email on 29.11.2025 to the Chief Secretary, Government of Uttar Pradesh and other officers of the concerned department. A copy of the letter dated 25.11.2025 is being annexed herewith and marked as Annexure no.CA-1 to this affidavit.”*

5.1. The official complaint/application dated 25.11.2025 is reproduced as under:-

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(9)

SAEL
 SUSTAINABLE & AFFORDABLE ENERGY FOR LIFE

To,

Shri S.P.Goyal,
 Chief Secretary,
 Government of Uttar Pradesh,
 Lucknow.

Respected Sir,

हम अपने ग्रुप सेल सोलर पी 6 प्राइवेट लिमिटेड की ओर से राज्य सरकार को हार्दिक धन्यवाद देना चाहते हैं कि उनके द्वारा हमारे ग्रुप को उत्तर प्रदेश में सोलर सेल तथा सोलर ऊर्जा से संबंधित कल पुर्जें बनाने के संयंत्र की इकाई की स्थापना हेतु प्रोत्साहित करते हुये सब्सिडी प्रदान किये जाने का इन्वेस्ट यूथी की मूल्यांकन समिति का प्रस्ताव अनुमोदित कर दिया गया है।

2- इसी क्रम में यह भी अवगत कराना है कि मेरे द्वारा अपने पत्र दिनांक 20-03-2025 को भ्रमवश यह शिकायत की गयी थी कि मूल्यांकन समिति की पूर्ववर्ती बैठक में प्रस्ताव संस्तुत हुआ था, किन्तु बाद में उसे परिवर्तित किया गया। जबकि अब मुझे यह भलीभांति ज्ञात है कि हमारी कम्पनी द्वारा मांगी जाने वाली प्रमुख सविस्डीज/रियायतों को उपलब्ध कराने हेतु 200 एकड़ जमीन की उपलब्धता, उसकी आवंटन दर एवं उक्त जमीन पर लैण्ड डेवलपमेंट चार्जेज क्या होंगे अथवा उस पर छूट होगी, इस संबंध में यमुना अर्थाटी (यीडा) की स्पष्ट आख्या तथा विद्युत विभाग से संबंधित सविस्डीज/रियायतों के संबंध में विद्युत विभाग स्पष्ट मन्तव्य आवश्यक था, जो कि दिनांक 12-03-2025 तक इन्वेस्ट यूथी की मूल्यांकन समिति की आहूत बैठक में उपलब्ध नहीं था, जिस कारण उक्त सूचना/मन्तव्य के प्राप्त होने के पश्चात् पुनः प्रस्ताव प्रस्तुत किये जाने की मूल्यांकन समिति की संस्तुति उचित थी। कालान्तर में उक्त सूचना/मन्तव्य प्राप्त होने के पश्चात् मंत्री परिषद् द्वारा हमारी कम्पनी के पक्ष में अनुमोदन प्रदान किया गया, जिसके लिये पुनः हार्दिक धन्यवाद। मैं आपको विश्वास दिलाता हूँ कि हमारी कम्पनी अनुबन्ध की शर्तों का पालन करते हुये पूरी निष्ठा एवं ईमानदारी के साथ कार्य करेगी।

Yours sincerely,

Biswajit Dutta.

25-11-2025

प्रतिलिपि प्रेषित: प्रमुख सचिव,

नियुक्ति, अनुभाग-5,

उत्तर प्रदेश शासन

SAEL Reg. No. FPP/L/10/11 GN : U35105PB2023PTC059269

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6. Learned counsel for the petitioner has submitted that the aforesaid petition of Nikant Jain was allowed by this Court vide judgment and order dated 09.02.2026 after considering the original record of the Meeting of 16th Evaluation Committee, which was conducted on 12.03.2025. In the 15th Evaluation Committee meeting held on 24.02.2025, the issue of the official of company was at serial no. 5, and since the response of YEIDA pursuant to the letter dated 29.01.2025 of the Additional Chief Executive Officer, Invest U.P., about the availability of land of 200 acre, was not available before the Committee, then in its meeting, the matter of the company was deferred with direction to the YEIDA to respond regarding availability of land in YEIDA region, and to put it up before the Evaluation Committee again with the required details. Further, vide letter dated 24.02.2025 written by Chief Executive Officer, YEIDA, to Additional Chief Executive Officer, Invest U.P., mentioning that after purchasing 200 acre land from the farmers, the same would be provided to the company within two months by 30.04.2025. The 16th Evaluation Committee was conducted on 12.03.2025, in which, the issue of company was at serial no. 2 and after considering the aforesaid letter dated 24.02.2025 of YEIDA related to providing the land after purchasing from the farmers, the matter was deferred. As per the 16th Evaluation Committee meeting, clarification was sought from UPPCL on exemption of electricity duty. The UPPCL sent a letter dated 19.03.2025 informing that the electricity duty is a revenue of Government of U.P., therefore, final decision can appropriately be taken by the Directorate of Electrical Safety, Government of U.P. Thereafter, in the 17th Evaluation Committee meeting dated 25.03.2025, the application of company was recommended for placing before High-Level Empowered Committee for further recommendation in the light of comments made by YEIDA and UPPCL, along with other recommendations.

7. Para 14 of the judgment and order dated 09.02.2026 passed by this Court in Application u/s 528 BNSS No. 1822 of 2025 is reproduced as under:

14. The core basis of the case is the written complaint of the private respondent, which was moved to Chief Secretary, Government of U.P. on 20.03.2025. It is alleged in the said complaint that the complainant's Company had to establish its unit for manufacturing certain parts to be used in solar cell and solar energy, for which, it applied through online mode in Invest UP and the said application

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NA528 No. - 1822 of 2025

of the Company was considered by the Evaluation Committee. The allegation made in the said complaint is that Mr. Abhishek Prakash, Officer of the Invest UP provided the mobile number of the applicant to the complainant informing him that the applicant is capable for facilitating the complainant's Company for clearance of his file upto the Cabinet. It is also alleged therein that when the complainant contacted the applicant, he asked for 5% of the Project, in advance.

14.1 On the said complaint, F.I.R. No. 111 of 2025 (supra) was lodged on 20.03.2025 and on the same day, the statement of the complainant was recorded under Section 161 Cr.PC. during the course of investigation. In his statement, the complainant reiterated his version made in F.I.R. However, on the said date, he denied to cooperate the Investigating Officer in drawing the site plan, as mandated in Para 114 of U.P. Police Regulation.

14.2 The case diary further reveals that the Investigating Officer was continuously pursuing the complainant for showing the place of incident, but the complainant was reluctant in doing so for one reason or the other. It is further evident from Parcha No. 13 dated 30.03.2025 that Investigating Officer again requested the complainant to cooperate in the investigation, but he informed that he is in Jaipur and will come back to Lucknow for recording his 'mazed' statement. It is also mentioned therein that the complainant also informed the Investigating officer that after conversation with the applicant, he withdrew himself and his Management team started handling the issue. He also stated that details of his Management team will also be provided to the Investigating Officer. Ultimately, the complainant met the Investigating Officer on 15.04.2025



and provided his written statement, description of which is mentioned in Parcha 24. In the said written statement, it is informed that the applicant shared the location of his office to the complainant and he met to the applicant on 7th March, 2025, which was a general meeting.

Relevant portion of Parcha No. 13 is as under.

"श्रीमान् जी प्रस्तुत अभियोग में कार्यवाही का पर्चा नं० 12 दिनांक 29.03.2025 को किता कर सादर सेवा में प्रेषित किया जा चुका है। मैं सहायक पुलिस आयुक्त कार्य सरकार से फुर्सत पाकर मशरूफ विवेचना हुआ। मुकदमा उपरोक्त में साक्ष्य संकलन के क्रम में वादी मुकदमा के मोबाइल नं० 9910884705 पर जरिये व्हाट्सअप नोटिस अन्तर्गत धारा 179 बीएनएसएस दिनांक 28.03.2025 को प्रेषित किया गया था तथा 02 दिवस में मजीद कथन अंकित कराने हेतु निर्देशित किया गया था, परन्तु वादी मुकदमा अभी तक मजीद कथन अंकित कराने मुझ विवेचक के समक्ष उपस्थित नहीं आये। इसके पश्चात मुझ विवेचक द्वारा वादी मुकदमा के मोबाइल नं० 9910884705 पर जरिये दूरभाष सम्पर्क कर बयान के लिए कहा गया तो बताये कि हमारे ससुर की तबियत खराब है, मैं जयपुर में हूँ मुझे थोड़ा से वक्त लगेगा जैसे मैं फ्री होता हूँ शीघ्र ही आकर मैं अपना मजीद कथन अंकित करा दूंगा तथा वादी मुकदमा से प्रोजेक्ट के सम्बन्ध में पूछने पर बता रहे हैं कि हमारा प्रोजेक्ट लगभग 8000 करोड़ रुपये से अधिक का था। यूपी इनवेस्ट के वरिष्ठ अधिकारी द्वारा श्री जैन का नम्बर दिया गया था तो मेरे द्वारा श्री जैन से बात हुई तो पूरे प्रोजेक्ट के 8000 करोड़ पर 5 प्रतिशत तथा उससे बड़ी बड़ी डिमांड करने लगे कोई छोटी मोटी डिमांड नहीं थी तो मैं पीछे हट गया बाद में मेरी मैनेजमेन्ट टीम ने हैंडल करना शुरू कर दिया। रिश्ते के पैसे देने के सम्बन्ध में पूछा तो बताये कि मैनेजमेन्ट की टीम ने मैनेज किया था कौन किया था इसके सम्बन्ध में जानकारी कर मैं जब लखनऊ आऊंगा तो आपको अपने मजीद बयान में विस्तृत रूप से बता दूंगा। वादी मुकदमा के उपलब्ध होने पर प्रकरण के सम्बन्ध में गहराई से छानबीन कर सभी पहलुओं पर जानकारी कर विवेचना में अग्रिम कार्यवाही अमल में लायी जायेगी।"

14.3 It is further evident from Parcha No. 24 dated 15.04.2025 that in place of preparing the site plan, the site was visited by the Investigating Officer along with the complainant, from outside. Further, there is no whisper about the names or the mobile number of Management team of the Company, who were in touch with the applicant.

Relevant portion of Parcha No. 24 is as under.

"उक्त कार्यवाही के उपरान्त वादी मुकदमा से घटनास्थल का निरीक्षण कराने हेतु कहा गया वादी मुकदमा घटनास्थल निरीक्षण कराने हेतु तैयार है जिस पर वादी मुकदमा को साथ लेकर घटनास्थल 1/311 विराटखण्ड गोमतीनगर लखनऊ पहुंचा जहां पाया गया कि उक्त कार्यालय दिनांक 22.03.25 को प्रभारी निरीक्षक गोमतीनगर लखनऊ द्वारा सील किया गया था। जिसके कारण वादी मुकदमा की हस्व निशादेही पर बाहर से ही घटनास्थल का निरीक्षण किया जा रहा है।"

14.4 From the record, it is also evident that the State Government promulgated Policy, 2022 vide Notification



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dated 04.11.2022 for significant development in the State of U.P. by establishing a number of manufacturing units, in pursuance to which, the complainant's Company had applied for establishing its unit through online mode on 03.12.2024 and its case was being considered. As per the record produced by Mr. Shiv Kumar Shukla, Coordinator, Invest UP, in the meeting of 15th Evaluation Committee held on 24.02.2025, the application of complainant's Company was at serial No. 5, but since the response of YEIDA in pursuance to the letter dated 29.01.2025 of Additional Chief Executive Officer, Invest UP about the availability of land of 200 acre, was not available before the Committee in its meeting, the matter of the complainant's Company was deferred with the direction to the YEIDA to respond regarding availability of land in YEIDA region and to put it up before the Evaluation Committee again with the required details.

14.5 The record also reveals that a letter bearing No. YEIDA/Udhyog/2025/5735 dated 24.02.2025 was written by Chief Executive Officer, YEIDA to Additional Chief Executive Officer, Invest UP, in which, it is mentioned that after purchasing 200 acre land from the farmers, the same would be provided to the Company of the complainant. The letter dated 24.02.2025 reads as under.

"पत्रांक:- YEIDA/उद्योग/2025/5735

दिनांक 24/02/2025

प्रेषक,

मुख्य कार्यपालक अधिकारी

यमुना एक्सप्रेसवे औद्योगिक विकास प्राधिकरण।

सेवा में,

अपर मुख्य कार्यपालक अधिकारी

इन्वेस्ट यू०पी०, चतुर्थ तल, ए-ब्लॉक



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पिकप भवन, विभूति खण्ड, गोमती नगर,
लखनऊ 226010 (यू०पी०)

विषय:- M/s SAEL Solar P6 Private Limited को 200 एकड़ भूमि की उपलब्धता के सम्बन्ध में।

महोदय,

कृपया अपने पत्रांक D.O. No 1698/IUP/SKS/2024-25 दिनांक-29 जनवरी, 2025 का सन्दर्भ ग्रहण करने का कष्ट करें जिसके माध्यम से M/s SAEL Solar P6 Private Limited को यमुना प्राधिकरण क्षेत्र में 200 एकड़ भूमि की उपलब्धता के सम्बन्ध में सूचना उपलब्ध कराये जाने की अपेक्षा की गयी है।

अवगत कराना है कि इस सम्बन्ध में सम्बन्धित कम्पनी के सी०ई०ओ० के साथ अधोहस्ताक्षरी द्वारा दो दिन पूर्व विस्तृत वार्ता की गयी है। यहाँ यह भी अवगत कराना है कि कम्पनी के सम्बन्धित अधिकारी द्वारा यमुना विकास प्राधिकरण के औद्योगिक सैक्टर का स्थलीय निरीक्षण किया गया था।

मा० मुख्यमंत्री जी द्वारा प्राधिकरण क्षेत्र में स्थित नोएडा इण्टरनेशनल एयरपोर्ट के फेज-2 व 3 हेतु भूमि अधिग्रहण की दर 4300 प्रतिवर्गमीटर की घोषणा की गयी है। जेवर एयरपोर्ट हेतु घोषित भूमि दर को प्राधिकरण के विभिन्न सैक्टरों के क्रय हेतु समान दर लागू की जाती रही है। मा० मुख्यमंत्री जी द्वारा घोषित दर 4300 प्रतिवर्गमीटर को प्राधिकरण के अन्य सैक्टर हेतु समान दर लागू किये जाने के सम्बन्ध में औद्योगिक विकास विभाग, उत्तर प्रदेश शासन द्वारा कार्यवाही की जा रही है। प्राधिकरण का औद्योगिक सैक्टर-8 जो नोएडा इण्टरनेशनल एयरपोर्ट के ईस्टर्न बाउण्ड्री पर स्थित है, के सम्बन्धित किसानों द्वारा आपसी सहमति पर क्रय करने हेतु सहमति प्रदान की गयी है। नयी दर के आदेश के उपरान्त उक्त परियोजना हेतु सैक्टर-8 में 200 एकड़ भूमि आगामी 02 माह में (30 अप्रैल, 2025 तक) क्रय कर कम्पनी को उपलब्ध करा दी जायेगी, इसके लिए प्राधिकरण पूर्ण रूप से प्रतिबद्ध है तथा कम्पनी को किसी अन्य राज्य में परियोजना स्थापित करने की आवश्यकता नहीं है।

भवदीय,

(डा० अरुणवीर सिंह)

मुख्य कार्यपालक अधिकारी

प्रतिलिपि:-

1. श्री सुखबीर सिंह, प्रतिनिधि M/s SAEL Solar P6 Private Limited को इस आशय से प्रेषित की सैक्टर-8 में 200 एकड़ भूमि किसानों से क्रय कर आगामी 02 माह में (30 अप्रैल, 2025 तक) उपलब्ध करा दी जायेगी।"

14.6 Further, Annexure 3 to the counter affidavit reveals that the meeting of 16th Evaluation Committee was conducted on 12.03.2025, in which, the application of the complainant's Company was at Serial No. 2. After considering the aforesaid letter dated 24.02.2025 of YEIDA, in which, it is informed that 200 acres of land by



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the Company is available and on the direction of Evaluation Committee dated 24.02.2025, the same will be ready for allotment by 30th April, 2025, the Committee recommended the application of the complainant's Company to be put up before the Evaluation Committee again for re-evaluation, after relevant details having been provided by YEIDA and UPPCL.

Relevant part of the Minutes of the said meeting is quoted hereunder.

"3.2. Application 2 - Sael Solar P6 Private Limited"

- 1) **Sael Solar P6 Private Limited**, a subsidiary of SAEL Industries Limited, proposed to establish a 5 GW solar cell and module manufacturing facility each along with a captive renewable energy (RE) power plant of 1 GW in Gautam Buddha Nagar with proposed investment of Rs 8,000 Cr for Case to Case incentives, including following package-
 - Capital Subsidy Incentive of 42% (30% Base Subsidy + 12% Boosters) in 5 years
 - 75 percent subsidy or concession on land price
 - 100 percent waiver on stamp duty
 - Permission for 75% ground coverage
 - 100 percent waiver on land development charges for 15 years
 - 100 percent waiver on banking and wheeling charges for 15 years
 - Capacity of the captive RE plant shall be allowed up to 125% of the contract demand of manufacturing plant
 - 100 percent exemption on electricity duty for 10 years
- 2) The Committee was informed that YEIDA had vide replied vide Letter No. YEIDA/उद्योग/2025/5735 dated Feb 24,2025 that 200 acres of land as asked by the applicant is available in Sec-8 and will be ready for allotment by April 30,2025 on the direction of the Evaluation Committee dated Feb 24,2025.
- 3) The Committee was apprised of the proposed investment under various investment heads as submitted by the applicant:

Sl.	Proposed investment	Amount (in Rs. Cr.)			
		Solar Cell	Solar Module	Solar Power	Total
1.	Land Cost	358	258	100	716



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2.	Stamp Duty	25	18	7	50
3.	Registration Fees	4	3	2	9
4.	Building Cost	508	181	17	706
5.	Other Construction Cost	229	117		346
6.	Plant & Machinery	3707	473	928	5108
7.	Cost of Developing Infrastructure Facilities	71.9	25.7	2.4	100
8.	Any other cost excluding In-house R&D (If Applicable)	638	187	140	965
	Total	5540.9	1262.7	1196.4	8000

6) The committee further recommended the below recommendation on the incentives sought by the applicant:

Sl.	Facility Sought	Description	Evaluation	Committee Recommendation
A. Fiscal incentives				
1.	Subsidy on Land price	75% subsidy or concession on land price.	The Committee recommended 75% front end land subsidy on the land allotment cost as per the actual land allotment cost on the portion of land utilized for manufacturing of solar cell and module and not on the land for setting up of solar power plant. Such land allotment with front end land subsidy shall be subject to penalty clauses as defined in the UP FDI/FCI/Fortune 500 Policy 2023. YEIDA was asked to provide the estimated land rates and allotment cost of the same.	
2.	Waiver of stamp duty	100% waiver of stamp duty	The Committee recommended 100% exemption of Stamp Duty on the land allotted by YEIDA (both for manufacturing & solar power generation), on submission of Bank guarantee of equivalent amount as per provisions of the Stamp Deptt under IIEPP-2022.	
3.	Land development	Waiver of land	As informed by YEIDA, no such charges are being levied. Based	



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	charges	development charges for a 15-year period	on that, the Committee recommended that these charges are not applicable. <i>The Committee directed the YEIDA to submit the response for the same.</i>
4.	Capital Subsidy	42% (30% standard + 12% Booster) capital subsidy on the total investment including plant & machinery, building, captive power plant, land and other construction cost including Utilities & Miscellaneous Fixed Assets to be disbursed equal annual instalments over a period of 5 years	The Committee recommended the 30% Capital subsidy of Eligible Capital Investment (ECI) along with 12% boosters (as applicable based on actuals) in five equal annual instalments, as per the provisions of 12.3.1. of the IIEPP-2022. Here, land cost will not be included in ECI for calculation of capital subsidy, since front end land subsidy is being availed separately.
5.	Banking and wheeling charges on RE Power	100% waiver on banking and wheeling charges for a period of 15 years.	Such benefit shall be provided as per ERC Norms, for which the applicant need to separately request the UPERC.
6.	Exemption on Electricity Duty	100% exemption in the electricity duty for a period of 10 years.	UPPCL informed the Committee that no ED is being levied on captive use solar power generation, hence no electricity duty shall be levied in this case. The Committee directed UPPCL for provide this response in writing to the Nodal Agency.
b. Non-Fiscal Incentives			
1.	Land requirement	Requirement of 200 acres of land in YEIDA industrial corridor.	The Committee took note of the letter from YEIDA the (YEIDA/उद्योग/2025/5735) dated 24,2025 confirming availability of 200 acres of land in Sec-8



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			and will be ready by April 30,2025.
2.	Ground Coverage	Permission for 75% ground coverage.	As per IDA Norms.
3.	Cluster Investment	Considered Two or more projects at same/different site in Uttar Pradesh as a part of single investment.	The committee recommended the same
4.	Power Requirement	Require 80-90 MW power at doorstep	The committee informed the applicant that Invest UP shall facilitate the same.
5.	RE plant	The capacity of the captive RE plant shall be allowed up to 125% of the contract demand of manufacturing plant.	The committee reviewed that since IIEPP-2022 allows 75% captive use, such contract demand may be allowed. Although, the committee sought clarity on this from UPPCL and UPNEDA in writing to the Nodal Agency.
5.	Water requirement/discharge	Require water 14-15 Mega litres per day and discharge free of cost	The committee informed the applicant that Invest UP shall facilitate the same.

Recommendation: The Committee recommended that this application to be put up before Evaluation Committee again for re-evaluation after relevant details have been submitted by the applicant, YEIDA and UPPCL."

14.7 Evidently, in the letter dated 24.02.2025 of YEIDA, it is categorically mentioned that the land would be provided after purchasing the same from the farmers by 30.04.2025 and indisputably, before availability of the land, Evaluation Committee cannot forward the matter to the High Level Empowered Committee.



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14.8 Thereafter, in the meeting of 17th Evaluation Committee, which was held on 25.03.2025 in the Chairmanship of Mr. Prathamesh Kumar, Chief Executive Officer, the application of complainant's Company was at serial no. 6 and on the basis of observations made by the Evaluation Committee in its earlier meetings dated 24.02.2025 and 12.03.2025, the land rate was shared by YEIDA to the Government vide letter dated 20.03.2025, wherein anticipating average rate of land was Rs.10,421 per sq. mtr., on which, 75% of the rate was recommended as subsidy. Evaluation Committee in its meeting held on 12.03.2025 also sought clarification from UPPCL on exemption of electricity duty, on which, UPPCL sent a letter dated 19.03.2025 informing that the electricity duty is a revenue of Government of U.P., therefore, final decision can appropriately be taken by the Directorate of Electrical Safety, Government of U.P. It is also written in the said letter of UPPCL that since the amount received as electricity duty by the UPPCL is adjusted against the subsidy amount provided by the Government of U.P., any shortfall in electricity duty must be reimbursed to the UPPCL.

14.9 The Evaluation Committee in its meeting dated 25.03.2025 finally recommended the application of the Company of the complainant to be placed before the High Level Empowered Committee for further recommendation in the light of the comments made by the YEIDA and UPPCL along with other recommendations.

The relevant portion of the meeting dated 25.03.2025 is quoted hereunder.

Minutes Of Meetings of 17th Evaluation dated:- 25.03.2025



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1. The 17th meeting of the Evaluation Committee (EC) constituted under the Uttar Pradesh Industrial Investment and Employment Promotion Policy (UP-IEPP) 2022, chaired by CEO of Invest UP, was held on 25th March 2025. (The list of participants and the detailed agenda presented at the meeting are enclosed for reference.)
2. The committee reviewed the following 06 applications from Industrial Undertakings submitted under UP IEPP 2022 for sanction of Letter of Comfort (LoC).

SI	Company/ Location	Investment (Rs. In Cr.)	Category	Incentive Sought	Date of Application	District
01	IDVB Recycling Operations Pvt. Ltd.	459.64	Mega	Net SGST	16.01.2025	Farrukhabad
02	M/s Parle Biscuits Pvt. Ltd.	82.70	Large	Capital	31.12.2024	Bahraich
03	Ultratech Cement Ltd.	716.92	Super Mega	Net SGST	09.01.2025	Shahjahanpur
04	Indian Oil Gas Bottling Plant	50	Large	Capital	07.02.2025	Shahjahanpur
05	Indian Oil Gas Bottling Plant	50	Large	Capital	20.02.2025	Shahjahanpur
06	Sael Solar P6 Private Limited	8,000.00	Ultra-Mega	Case to Case	03.12.2024	Gautam Budh Nagar
07	Clarification: Land allotment status against LoC issued to M/s Avaada Electro Pvt. Ltd.					

Application 6- SAEI Solar P6 Private Limited

1. **Sael Solar P6 Private Limited**, a subsidiary of SAEI Industries Limited, proposed to establish a 5 GW solar cell and module manufacturing facility each along with a captive renewable energy (RE) power plant of 1 GW in Gautam Buddha Nagar with proposed investment of Rs 8,000 Cr for Case to Case incentives, including following package-

- Capital Subsidy Incentive of 42% (30% Base Subsidy + 12% Boosters) in 5 years
- 75 percent subsidy or concession on land price
- 100 percent waiver on stamp duty
- Permission for 75% ground coverage
- 100 percent waiver on land development charges for 15 years
- 100 percent waiver on banking and wheeling charges for 15 years
- Capacity of the captive RE plant shall be allowed up to 125% of the contract demand of manufacturing plant
- 100 percent exemption on electricity duty for 10 years.

2. In response to the direction of the Evaluation Committee held on Feb 24, 2025 about the availability of land, YEIDA had replied vide **Letter No. YEIDA / उद्योग/2025/5735** dated **Feb 24, 2025** that the rate of land acquisition for Phase-2 and 3 of Noida International Airport located in the authority area has



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been announced by the Hon'ble Chief Minister as Rs. 4300 per square meter. The same rate of land declared for Jewar Airport has been applied for purchase in various sectors of the authority. Action is being taken by the Industries Department, Uttar Pradesh Government regarding the application of the same rate of Rs. 4300 per square meter declared by the Hon'ble Chief Minister for other sectors of the authority. The concerned farmers of the Industrial Sector-8 of the authority, which is located on the Eastern Boundary of Noida International Airport, have agreed to purchase on mutual consent. After the order of the new rate, 200 acres of land in Sector-8 will be purchased for the said project in the next 02 months (by April 30, 2025) and made available to the company, the authority is fully committed for this and the company does not need to set up the project in any other state.

3. Evaluation Committee in its 16th meeting held on 12.03.2025 sought clarification from YEIDA on land rate. On which YEIDA has shared the land rate vide **YEIDA/उद्योग/2025/5881** dated **March 20, 2025**, wherein the anticipated average land rate is mentioned as Rs 10,421 per sqm which is subject to change as per applicable rates at the time of allotment. Further, YEIDA also informed that development fees, land acquisition fee etc. are included in the above rates and no other development fee is charged separately.

The Evaluation Committee in its 17th meeting held on March 25, 2025 sought clarity from YEIDA regarding the actual status of the land whether acquisition is in process or completed for the same. Also, YEIDA to confirm if the land rates are subject to any change after finalisation of land acquisition. If so, what is the timeframe of finalisation of such land rates and whether any land development charges will be applicable on the actual final rates at the time of allotment to the applicant. The Evaluation Committee decided that the response of YEIDA shall be put up before HLEC for decision.

4. The Conumittee was apprised of the proposed investment under various investment heads as submitted by the applicant:

Sl.	Proposed investment	Amount (in Rs. Cr.)			
		Solar Cell	Solar Module	Solar Power	Total
1.	Land Cost	358	258	100	716
2.	Stamp Duty	25	18	7	50
3.	Registration Fees	4	3	2	9
4.	Building Cost	508	181	17	706
5.	Other Construction Cost	229	117		346
6.	Plant & Machinery	3707	473	928	5108
7.	Cost of Developing Infrastructure	71.9	25.7	2.4	100



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	Facilities				
8.	Any other cost excluding In-house R&D (If Applicable)	638	187	140	965
	Total	5540.9	1262.7	1196.4	8000

As per DPR, the applicant has mentioned that the captive solar power plant is to be setup at the same location as that of the manufacturing for which the applicant has proposed 28 acres out of the total 200 acres for setting up of captive solar power plant.

However, during the meeting the applicant informed that they are searching for separate location for setting up of captive solar power plant which is yet to be decided. The Committee then sought clarification from the applicant about the location of the land for captive solar power plant and for revised DPR mentioning the above details. The reply of the applicant shall be put up before HLEC after comments of the Nodal agency. Since the applicant suggested that he is looking for alternate location to set up captive solar power plant, additional time is required to share revised DPR. The Committee directed the applicant to submit revised DPR within one month.

5. The Committee recommended the following for computing admissible Capital Investment and Eligible Capital Investment in this case:

Particulars	Amount (Rs. Cr.)	Remarks
Proposed Investment	8000	As per Format-2
Less: Inadmissible heads u/c 12.16 & 12.17 of IIEPP-22	1,124	Stamp duty: 50Cr. Registration charges: 9 Cr. Preliminary & Pre-operative expenses, Interest During Construction, Margin money for Working Capital: 965 Cr Land Cost for Solar Power Plant: Rs 1000 Cr*
Total Capital Investment*	6,876	-
Less: Inadmissible Land & Building Cost to be adjusted (u/c 12.16)	Nil	Total Land & Building Cost is Rs 1,422 Cr. Since the total of Land & Building is 20.38% which is less than 30% of the Total Capital Investment as per 12.1.6(ii) of IIEPP-2022, full value of Land & Building shall be considered.
Capital Investment*	6,876	-
Less: Investment made before effective date (u/c 12.1.10) & Land Cost	616	Land Cost for manufacturing solar cell/module (since land subsidy is being sought): Rs 616 Cr



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as subsidy on land provided separately.		
Eligible Capital Investment*	6,260	-
*All figures are subject to physical verification at the time of disbursement. #Land Cost for Solar Power Plant (Rs 100 Cr) disallowed considering the same was applied in the earlier Case-2-Case application processed for Avaada Electro.		

6. The Committee was apprised that as per clause 12.4 of the IIEPP 2022, "Government may consider providing customized 'package of incentives on case-to-case basis as deemed necessary for Ultra Mega category projects of special importance. Such customised packages on case-to-case basis shall be approved by the Cabinet".

- (I) The Committee reviewed that the project proposal is more than Rs 3000 Cr, hence it is Ultra-Mega category.
(II) Regarding the strategic importance of the project, the Committee reviewed the applicant's declarations in the DPR for the proposed project : "...due to its potential to reduce import dependency, drive industrial growth, create employment, advance technology, align with policy goals, and boost exports."

The Committee directed the applicant to submit Techno Economic viability (TEV) report of the project and re-iterate such strategic importance.

7. The Committee further recommended the below recommendation on the incentives sought by the applicant:

Sl.	Facility Sought	Description	Evaluation Recommendation	Committee
A. Fiscal incentives				
1.	Subsidy on Land price	75% subsidy or concession on land price.	The Committee recommended 75% front end land subsidy on the land allotment cost as per the actual land allotment cost on the portion of land utilized for manufacturing of solar cell and module and not on the land for setting up of solar power plant. Such land allotment with front end land subsidy shall be subject to penalty clauses as defined in the UP FDI/FCI/Fortune 500 Policy 2023.	YEIDA has shared the land rate vide YEIDA/Udyog/2025/5881 dated March 20, 2025 wherein the anticipated average land rate is mentioned as Rs.10,421/- per sqm. which is subject to change as per applicable rates at the time of



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			allotment. The Evaluation Committee directed YEIDA to provide clarification whether acquisition is in process or completed and also to confirm if the land rates are subject to any change after finalisation of land acquisition. The Evaluation Committee decided that the response of YEIDA shall be put up before HLEC for decision.
2.	Waiver of stamp duty	100% waiver of stamp duty	The Committee recommended 100% exemption of Stamp Duty on the land allotted by YEIDA (both for manufacturing & solar power generation), on submission of Bank guarantee of equivalent amount as per provisions of the Stamp Deptt under IIEPP-2022.
3.	Land development charges	Waiver of land development charges for a 15-year period	As informed by YEIDA, no such charges are being levied. Based on that, the Committee recommended that these charges are not applicable. YEIDA vide letter dated YEIDA/Udyog/2025/5881 dated March 20, 2025, wherein the anticipated average land rate is mentioned as Rs.10,421/- per sqm. which is subject to change as per applicable rates at the time of allotment. Further, YEIDA also informed that development fees, land acquisition fee etc. are included in the above rates and no other development fee is charged separately. The Evaluation Committee held on March 25, 2025 directed YEIDA to confirm whether any land development charges will be applicable on the actual final rates at the time of allotment to the applicant. The Evaluation Committee decided that the response of YEIDA shall be put up before HLEC for decision.
4.	Capital Subsidy	42% standard + 12% Booster) capital subsidy on the total investment including plant & machinery, building, captive	The Committee recommended the 30% Capital subsidy of Eligible Capital Investment (ECI) along with 12% boosters (as applicable based on actuals) in five equal annual instalments. Here, land cost will not be included



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		power plant, land and other construction cost including Utilities & Miscellaneous Fixed Assets to be disbursed equal annual instalments over a period of 5 years	in ECI for calculation of capital subsidy, since front end land subsidy is being availed separately.
5.	Banking and wheeling charges on RE Power	100% waiver on banking and wheeling charges for a period of 15 years.	Evaluation Committee held on 12.03.2025 sought clarification from UPPCL on banking and wheeling charges. As per letter 133/Mukadama (Vanijya)/Va-1/10-1/U ba dated 19.03.2025 received from UPPCL. (a) As per the U.P. Solar Policy, 2022, a 50% exemption on wheeling charges is permitted for captive use of a solar plant located within Uttar Pradesh, subject to technical feasibility and compliance with UPERC Regulation. (b) The Renewable Energy Generating Power Plants may be allowed to bank power subject to the following conditions: Banking charges shall be 12% of the energy bank except for Solar and Wind Power for which it shall be 6% of the energy bank and should be adjusted against the banked energy before withdrawal. Therefore, banking charges shall be applicable as per the UPERC Regulations. UPPCL is not authorized to grant any additional incentives beyond those specified. The Evaluation Committee held on March 25, 2025 suggested the applicant to file the petition to UPERC for grant of any additional incentives beyond specified.
6.	Exemption on Electricity Duty	100% exemption in the electricity duty for a period of 10 years.	Evaluation Committee held on 12.03.2025 sought clarification from UPPCL on exemption of electricity duty. As per letter 133/Mukadama (Vanijya)/Va-1/10-1/U ba dated 19.03.2025 received from UPPCL: Electricity duty is revenue of Government of Uttar Pradesh; therefore, the final decision in this regard should be appropriately taken by Directorate



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			of Electrical Safety, Government of Uttar Pradesh. However, since the amount received as electricity duty by Uttar Pradesh Power Corporation Ltd. (UPPCL) is adjusted against the subsidy amount provided by the Government of Uttar Pradesh, any short fall in electricity duty (ED) must be reimbursed to UPPCL by Government of Uttar Pradesh. The Evaluation Committee dated March 25, 2025 recommended the same based on the response by UPPCL for HLEC to decide.
b. Non-Fiscal Incentives			
1.	Land requirement	Requirement of 200 acres of land in YEIDA industrial corridor.	The Committee took note of the letter from YEIDA (YEIDA/उद्योग/2025/5735) dated Feb 24, 2025 confirming that the rate of land acquisition for phase 2 and 3 of Noida International Airport located in the Authority area has been announced by the Hon'ble Chief Minister as Rs.4300/- per square metre. The same rate of land declared for Jewar Airport has been applied for purchase in various sectors of the Authority. Action is being taken by the Industries Department, Uttar Pradesh Government regarding the application of the same rate of Rs.4300/- per square metre declared by the Hon'ble Chief Minister for other sectors of the Authority. The concerned farmers of the Industrial Sector 8 of the Authority, which is located on the Eastern Boundary of Noida International Airport, have agreed to purchase on mutual consent. After the order of the new rate, 200 acres of land in Sector 8 will be purchased for the said Project in the next 2 months (by April 30, 2025) and made available to the Company, the Authority is fully committed for this and the Company does not need to set up the Project in any other State. Further, as informed during the meeting, the applicant is yet to confirm on the location for the captive solar power plant. The reply of the applicant shall be put up before HLEC after comments of the Nodal agency.



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			Since the applicant suggested that he is looking for alternate location to set up captive solar power plant, additional time is required to share revised DPR. The Committee directed the applicant to submit revised DPR within one month.
2.	Ground Coverage	Permission for 75% ground coverage.	As per IDA Norms. YEIDA apprised during the meeting that ground coverage is 55% with FAR of 1.
3.	Cluster Investment	Considered Two or more projects at same/different site in Uttar Pradesh as a part of single investment.	As per DPR, the applicant was setting up captive solar power plant at same location where it has proposed manufacturing. The applicant informed to the Committee that they are yet to decide on the location for captive solar power plant. On which, the Committee directed the applicant to provide clarity on the location of the capacity solar power plant and submit revised DPR including the above details. The reply of the applicant shall be put up before HLEC after comments of the Nodal agency. Since the applicant suggested that he is looking for alternate location to set up capacity solar power plant, additional time is required to share revised DPR. The Committee directed the applicant to submit revised DPR within one month,
4.	Power Requirement	Require 80-90 MW power at doorstep	The committee informed the applicant that Invest UP shall facilitate the same. During the meeting, YEIDA informed that they will provide the same till the boundary of proposed site of the applicant as allotted by YEIDA.
5.	RE plant	The capacity of the captive RE plant shall be allowed up to 125% of the contract demand of manufacturing plant.	Evaluation Committee held on 12.03.2025 sought clarification from UPPCL on RE Plant utilization. As per letter 133/Mukadama (Vanijya)/Va-1/10-1/U ba dated 19.03.2025 received from UPPCL: As per the UPERC Regulations, the capacity of a capacity renewable energy (RE) plant may be allowed upto 125% of the contract demand of the manufacturing plant subject



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			to following conditions as per UPERC Regulations as below: UPERC (Terms and Conditions of Open Access) (First Amendment) Regulations, 2024. "In case of open access consumer if fed through independent feeder, the total drawl from open access and from the Distribution License shall be restricted upto the ceiling of drawl applicable for voltage level, as specified under the Supply Code, to which the open access consumer is connected. In case of any breach of such ceiling penal action be taken by the Nodal agency as deemed appropriate including suspension of open access for three months for each breach. In case of repeated breach for more than three times open access shall be suspended till open access consumer shift to the next approach voltage level as per the Supply Code. Whereas in case of open access consumer if fed through mixed feeder the open access consumer shall restrict the sum of his total drawl from open access and from the distribution licence upto the contracted capacity with the Distribution License. In case of any breach of such ceiling penal action be taken by the Distribution Licensee as deemed appropriate including suspension of open access for Three months for each breach by the Nodal agency. In case of repeated breach for more than three times open access shall be suspended till open access consumer enhances the contracted capacity with the distribution licensee as per the Supply Code." The Evaluation Committee held on March 25, 2025 recommended the same based on the response by UPPCL subject to UPERC Regulations.
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5.	Water requirement/ discharge	Require water 14-15 Mega litres per day and discharge free of cost	The committee informed the applicant that Invest UP shall facilitate the same.
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Recommendation: The Committee recommended that this application to be put up before HLEC for further recommendation in light of the comments made by the YEIDA and UPPCL, and other recommendation as made above.

8. Learned counsel for the petitioner has further submitted that the proposed project of the company was being considered by the committee, as the YEIDA, in its letter dated 24.02.2025, admitted that 200 acres land would be purchased from the farmers by 30.04.2025, for the company.

8.1. It has next been submitted that no substance was found in the police report submitted against Nikant Jain. The charge-sheet dated 15.05.2025, the summoning order dated 17.05.2025 alongwith all consequential proceedings, as well as the order dated 06.11.2025 passed by Special Judge, P.C. Act-2, Lucknow, in Sessions Case No. 730 of 2025 arising out of F.I.R. No. 111 of 2025 (supra), were quashed by this Court vide aforesaid order dated 09.02.2026, with the observation that the complainant himself stated in the counter affidavit that due to misunderstanding, he made the complaint.

8.2. Relying on the judgement of Hon’ble Supreme Court in the case of *Competent Authority Vs. Barangore Jute Factory and others* reported in (2005) 13 SCC 477, learned counsel for the petitioner has submitted that when a foundation goes, the rest of the edifice falls ‘*Sublato Fundamento Cadit Opus*’. Further relying on the judgement of Hon’ble Supreme Court in the case of *State (NCT of Delhi) vs. Ajay Kumar Tyagi* reported in 2012 (9) SCC 685, he has submitted that the provision for giving the affidavit alongwith the complaint is provided only to protect the officials from harassment.

8.3. It has also been submitted that in the present case, at the initial stage, the complaint was given on the frivolous charge and the F.I.R. was also lodged on the said complaint. During the course of adjudication of the police report in the said F.I.R., the record of the Evaluation Committee reveals that no substance is found in the allegation, as the case of the petitioner was continuously being considered and the authorities informed that the land would be available by 30.04.2025. Even then the file was being processed on weekly basis. As the complainant submitted affidavit stating that under wrong impression, the complaint was moved. The Administrative Department also failed to consider this fact that departmental proceeding against the petitioner was also initiated and without waiting for the result of the departmental proceeding, a request was made to the Principal Secretary, Vigilance for inquiry without placing the matter before the State Vigilance Committee, which is in violation of the Government Orders dated 18.5.1991 and 12.9.1995.

8.4. Lastly, relying on the judgements of Hon'ble Supreme Court in the cases of *ITC Ltd. Vs. State of U.P. and others* reported in **(2011) 7 SCC 493** and *Home Secretary UT of Chandigarh Vs. Darshjit Singh Grewal* reported in **(1993) 4 SCC 25**, learned counsel for the petitioner has submitted that the Hon'ble Supreme Court has held that as long as a policy is in force, the same is required to be obeyed by the concerned authorities in totality. Therefore, it has been requested that the impugned orders may be set aside.

9. Learned State Counsel, while opposing the prayer of the petitioner, has submitted that considering the gravity of allegations, the Administrative Department decided for vigilance inquiry. In another matter, a two-member committee under the chairmanship of Chairman of Board of Revenue and Divisional Commissioner, Kanpur was constituted, in which, the petitioner was found guilty of lack of supervision and the departmental proceeding has also been initiated in

the said matter. It is also admitted in para 17 of the counter affidavit that the Government Order dated 9.5.1997 is issued to discourage the fictitious complaints against Group 'A' officers.

9.1. It has further been submitted that the complaint made by the officials of the company is not a fictitious one. As per the Government Order dated 12.9.1995, vigilance inquiry can be conducted after the decision of the State Vigilance Committee approved by the concerned Minister. It is undisputed fact that the complainant-official had filed affidavit before this Court in the case of Nikant Jain (supra) stating that under wrong impression, he moved the complaint.

10. Considering the submissions made by learned counsel for the parties and upon perusal of the contents of the petition, the counter-affidavit, the rejoinder-affidavit, the judgments relied upon by learned counsel for the petitioner, as well as other relevant material on record, it is evident that in the present case, the petitioner was the Secretary of the Industrial Development Department and Chief Executive Officer of Invest U.P. A complaint was made by official of the company on 20.03.2025, alleging that a senior officer of Invest U.P. had provided him with the mobile number of Nikant Jain and asked him to speak to him, stating that, if he spoke to him, the matter would be approved by the Empowered Committee as well as the Cabinet. Thereafter, the official of the company contacted Nikant Jain, who allegedly demanded 5% of the project. However, the official of the company refused to accede to his demand. Thereafter, it was informed that in the meeting dated 12.3.2025, the matter of the petitioner was deferred.

10.1. It is evident that the F.I.R. No. 111 of 2025 (supra) was lodged against Nikant Jain on the aforesaid complaint and the chargesheet was submitted by the Investigating Officer against him, which was challenged before this Court. At the same time, disciplinary proceeding was also initiated against the petitioner vide office order dated

20.03.2025 passed by the department, and on the same day, the impugned letter was written by Mr. Vijay Kumar to the Principal Secretary, Vigilance Establishment at 19:47:17 hours in the night for vigilance inquiry. However, there was no affidavit in support of the complaint given by the official of the company.

10.2. As per the Government Orders dated 18.05.1991, 12.09.1995, 09.05.1997, and 06.08.2018, the requirement of an affidavit in support of the complaint was incorporated solely to protect honest officers from being victimized on the basis of fictitious or false complaints. In the present case, no affidavit was filed in support of the complaint. However, in the most hasty manner, on the very same date of the complaint, a vigilance inquiry was ordered and departmental proceeding was initiated, and an F.I.R. was also lodged against Nikant Jain. The Office Orders dated 18.05.1991 and 12.09.1995 were also violated by the authorities. Once the disciplinary proceedings had been initiated, the authorities, without awaiting the outcome thereof, referred the vigilance matter to the Vigilance Department for inquiry, without placing the matter before the State Vigilance Committee for its approval.

10.3. Evidently, at the time of adjudication of the Application u/s 528 of the BNSS No. 1822 of 2025, *Nikant Jain v. State of U.P.*, the original record of the Evaluation Committee of Invest U.P. was also considered. It was found that on 12.03.2025, the case of the company was deferred, as the Chief Executive Officer, YEIDA, had addressed a letter to the Additional Chief Executive Officer, Invest U.P., stating that, after purchasing 200 acres of land from the farmers, the same would be provided to the company by 30.04.2025. A rebate on electricity charges had also been claimed, and a report in this regard was also sought from UPPCL.

10.4. In its 16th meeting held on 12.03.2025, the Evaluation Committee sought clarification from YEIDA regarding the land rate. In response,

YEIDA communicated the applicable land rate vide its letter dated 20.03.2025. Further, in its 17th meeting held on 25.03.2026, the Evaluation Committee sought clarification from YEIDA regarding the actual status of the land, including whether the acquisition process was in progress or had been completed. The Committee also sought confirmation as to whether the land rates were subject to any change upon finalization of the land acquisition process.

10.5. It is also evident that the proposal of the official company was never deferred without any reasoning, as the land was available by 30.04.2025. Moreover, the complainant has himself admitted in his affidavit filed before this Court in the case of Nikant Jain (*supra*) that under wrong impression, the complaint was filed.

10.6. Therefore, when a foundation goes, the rest of the edifice falls as per the principles of '*Sublato Fundamento Cadit Opus*'. Once the complaint made by the official of the company is found to be false, as the complainant himself has admitted, the entire proceedings based upon the said complaint also fall.

11. In view of the observations made above, the present writ petition is *allowed*. The impugned order dated 20.03.2025, the consequential impugned order dated 28.03.2025 and the entire Open Vigilance Enquiry No. 64/2025 are hereby *set aside*.

12. Consequences to follow.

(Rajeev Singh,J.)

September 17, 2026
Arpan