



N.C.R.B (एन.सी.आर.बी)
I.F.F - प्रकीर्णित जांच फॉर्म -I)

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C.)

प्रथम सूचना रिपोर्ट
(धारा 154 दंड प्रक्रिया संहिता के तहत)

1. District (जिला): STATE VIGILANCE AND ANTI-

P.S. (थाना): SHIMLA

Year (वर्ष): 2021

FIR No. (प्र.सु.रि. सं.): 0002

Date and Time of FIR (प्र.सु.रि. की दिनांक और समय): 05/06/2021 18:58 hrs

S.No. (क्र.सं.)	Acts (अभिनियम)	Sections (भाग/पर्य)
1	HP PREVENTION OF SPECIFIC CORRUPT PRACTICES ACT, 1983	4
2	HP PREVENTION OF SPECIFIC CORRUPT PRACTICES ACT, 1983	5
3	HP PREVENTION OF SPECIFIC CORRUPT PRACTICES ACT, 1983	6
4	IPC 1860	420
5	IPC 1860	468
6	IPC 1860	471
7	IPC 1860	120-B

3. (a) Occurrence of offence (अपराध की घटना):

1. Day (दिन): Intervening Day

Date From (दिनांक से): 05/12/2012

Date To (दिनांक तक): 05/10/2017

Time Period (समय अवधि):

Time From (समय से): 00:00 hrs

Time To (समय तक): 00:00 hrs

(b) Information received at P.S. (थाना जहाँ सूचना प्राप्त हुई): Date (दिनांक): 20/02/2020

Time (समय): 00:00 hrs

(c) General Diary Reference (रोजनामाचा संदर्भ): Entry No. (प्रविष्टि सं.): 005

Date & Time (दिनांक और समय): 05/06/2021 18:21 hrs

4. Type of Information (सूचना का प्रकार): Written

5. Place of Occurrence (घटनास्थल):

1. (a) Direction and distance from P.S. (थाना से दूरी और दिशा): EAST, 35 Km(s)

Beat No. (बीट सं.):

(b) Address (पता): Govt Degree College, SCST boys Hostel, Theog, Theog, 171201

(c) In case, outside the limit of this Police Station, then (यदि थाना सीमा के बाहर है तो):

Name of P.S. (थाना का नाम):

District/State (जिला (राज्य)):

6. Complainant / Informant (शिकायतकर्ता/सूचनाकर्ता):

(a) Name (नाम): Kamal Kishore

(b) Father's/Husband's Name (पिता / पति का नाम):

(c) Date/Year of Birth (जन्म तिथि / वर्ष): 10/06/1973

(d) Nationality (राष्ट्रियता): INDIA

(e) UID No. (यूआईडी सं.):

Date of Issue (जारी करने की तिथि):

(f) Passport No. (पासपोर्ट सं.):

Place of Issue (जारी करने का स्थान):

(g) Id details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN)

S.No. (क्र.सं.)	Id Type (पहचान पत्र का प्रकार)	Id Number (पहचान संख्या)
1		

(h) Address (पता):

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	Present Address	Sokoh, Dharamshala, DHARAMSHALA, KANGRA, HIMACHAL PRADESH, 176215, INDIA
2	Permanent Address	SV ACS Shimla, NEW SHIMLA, SHIMLA, HIMACHAL PRADESH, INDIA

(i) Occupation (व्यवसाय):

(ii) Phone number (दूरभाष सं.):

Mobile (मोबाइल सं.): 91-9418484872

7. Details of known/suspected/unknown accused with full particulars (आत / संदिग्ध / अज्ञात अपराधी का पूरा विवरण सहित दर्जना):

S.No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Present Address (वर्तमान पता)
1	Girish Gupta		Father's Name: J.S Gupta	1, 115 Krishna Nagar, Shimla, SHIMLA SADAR, SHIMLA, HIMACHAL PRADESH, INDIA

8. Reasons for delay in reporting by the complainant/informant (विकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S.No. (क्र.सं.)	Property Category (संपत्ति श्रेणी)	Property Type (सम्पत्ति का प्रकार)	Description (विवरण)	Value (In Rs/-) (मूल्य (रु. में))
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10. Total value of property (In Rs/-) सम्पत्ति का कुल मूल्य (रु. में):

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी. प्रकरण सं., यदि कोई हो):

S.No. (क्र.सं.) UIDB Number (यू.डी. प्रकरण सं.)

12. First information contents (प्रथम सूचना तथ्य):

That an enquiry in to the complaint no 3/20 Dated 18.02.2020 regarding allegations of poor quality of work by the Contractor and laxity in proper supervision by HIMUDA officers in the construction of SC/ST boys hostel at Govt. Degree college Theog was conducted and enquiry report was submitted to VHQ with the recommendation to register a criminal case. The necessary approval has been received from the competent authority vide VHQ letter No. SVACB (R-SR/VHQ)-Comp (SML)3/2020-8496 Dated 05.06.2021 and SP SVACB SR Shimla letter endst. No.3724 Dated 05.06.2021 along with enquiry file of complaint no 3/20. The contents of the complaint is as under:-A complaint was received by Superintendent of Police, SVACB, S/R, Shimla from VHQ vide letter No. SVACB(R-SR-HQ) Comp.(SML)03/2020-39147 dated 18.02.2020 and further received vide letter Endst. No SVACB (R/SR) /SML Comp. No. 3/20-1164 dated 20.02.2020 regarding allegations of poor quality of work by the Contractor and laxity in proper supervision by HIMUDA officers in the construction of SC/ST boys hostel at Govt. Degree college Theog, which was got-enquired into. 2. Enquiry revealed that Notice Inviting Tender (NIT) was invited from Executive Engineer, HIMUDA, Division No.1 Kasumpti, Shimla on behalf of Chairman, HP Housing and Urban Development authority for the construction of SC/ST hostel in Govt. Degree college, Theog, District Shimla (Hostel building for 105 boys including internal WSSI, external water supply, external sewerage system and development of site) with an estimated cost of Rs. 1,82,20,687/- and earnest money of Rs. 2,14,710/- with time limit of one and half years vide letter No. 1019-45 dated 08.06.2012 and corrigendum thereof dated 06.07.2012. Accordingly, contractors, Sh. Girish Gupta, (Sh. Kundan Lal, Sh. Hari Ram Company), Sh. Mohan Chauhan, Sh. Krishan Kumar Thakur participated in the tender process and submitted their tender documents with HIMUDA. 3. Vide letter No.2632 dated 27.11.2012 of CEO cum Secretary HIMUDA, Nigam Vihar, Shimla revealed that negotiated items rate tender of contractor, Sh. Girish Gupta has been approved for amounting to Rs. 2,05,55,234.78/-, comprising of civil works amounting to Rs.1,95,14,236.78/- and also providing internal WSSI and external water supply Sewerage amounting to Rs. 10,40,998/- by the negotiation committee. Accordingly, tender was awarded vide letter No.3165-73 dated 10.12.2012 in favour of Sh. Girish Gupta, Govt. Contractor, 115 Krishna Nagar Shimla for total cost of Rs. 2,05,55,234.78/- by EE, HIMUDA Division No. 1 Shimla. The total amount which found paid by HIMUDA in favour of contractor against the construction of SC/ST Boys hostel was Rs. 1,81,29,928/- as per the record. The construction work was completed on 09.10.2017. 4. Enquiry further revealed that upon a complaint received from Honble.MLA Theog addressed to the Pr. Secretary to the Honble CM HP regarding allegation of heavy cracks in newly constructed SC/ST boys Hostel at Govt. Degree College Theog, a team comprising of Er. Deepak Sharma, SE, QCD, Er. Vijay Chauhan, EE, QCD, Er. Divesh Thakur, AE, QCD and Er. LK Sharma, AE (HPSEBL) was constituted under the Quality Control Cell of CM office, who inspected the SC/ST boys Hostel at Govt. Degree College Theog along with Govt. Contractor, Sh. Girish Gupta on 20.09.2019. 5. Inspection report of Quality Control Cell of CM office, revealed that as per the record produced by the EE, the building was declared as unsafe by Municipal Committee, Theog as conveyed by Principal, Govt. Degree College, Theog vide letter No. 133 dated 24.07.2019. The building consisted of 5 number of storeys and was having a provision of retaining wall and breast wall on front and back side of the building. The building was got designed by HIMUDA authorities from their own department. The physical examination of the building revealed that there were more than 80 numbers of cracks in the building on the day of inspection. These cracks were visible right from



the ground floor to the top floor in the walls, columns and beams of the hostel building. The pattern of cracks was somewhat similar on all the floors and was concentrated in staircase walls and rooms and gallery near to it. In addition to this many columns were not in plumb and were visibly slightly tilted towards valley side. The breast/retaining walls constructed beneath the building also shows some cracks. 6. During the course of enquiry, the physical inspection of the building of SC/ST Boys Hostel at Govt. Degree College Theog has been conducted and there found number of cracks in all the five floors of the building. Also, the building has not been found used by the college authorities due to unsafe structure as declared by MC Theog. 7. During the course of enquiry, Structural Safety Evaluation report of IIT Mandi conducted in respect SC/ST boys hostel at Govt. Degree college Theog has been received from HIMUDA which revealed that the probable cause of distress is on account of the tilt suffered by the building owes to the failure of the valley-side retaining wall. The failure has occurred at the right end of the building as viewed from the valley-side public road. The in-situ concrete strength has been found to be far below the acceptable limit. The selection of an irregular plan geometry for the building without a dynamic analysis to account for the potential earthquake loads that would be induced in a seismic event is also a major lapse on part of the designer which is in violation of standard design practice for a structure located in earthquake Zone-IV. Several elements of the building are wrongly designed constructed resulting in an undesirable capacity structural framing system. As the right half of building continues to drift towards the valley side, a twisting force of increasing magnitude will come into action in the left half as its elements are trying to resist this movement. The twisting action has already caused visible distress. As the shorter direction beams are under designed/ wrongly constructed, they are undergoing large deformation along with the floor slabs in staircase area leading to several large cracks in the infill walls. The safety and serviceability of the building has been undoubtedly affected due to uneven foundation movement triggered by the failure of segment of the valley-side retaining wall. The state of distress appears to be evolving and the tilt is expected to increase with time as several cracks in the infill walls were previously patch repaired have reappeared along with other fresh cracks. Moreover, the deficiencies in the design of the building and the valley side retaining wall together with doubtful in-situ concrete strength aggravate the risk by several folds making the structural collapse of the building imminent under full design load or in the event of an earthquake. 8. From the perusal of Structural Safety Evaluation report of IIT Mandi and other record of HIMUDA, it prima facie appears that substandard material has been used in the construction of SC/ST Boys Hostel at Govt. Degree College Theog by the contractor. Further false and fictitious entries in the MBs appears to have been filled by officials of HIMUDA in connivance with contractor and on the basis of which, payment of Rs. 1,81,29,928/- has wrongly drawn in favour of the contractor by HIMUDA causing thereby wrongful loss to the State Exchequer. Also, the structural stability of the building has not been ensured while getting selection of the design of the building by the Design Engineers of HIMUDA. The in-situ concrete strength has been found to be far below the acceptable limit causing serious doubt on the level of quality control exercised during the construction work as observed in the IIT report. Also, the officials of HIMUDA failed to supervise the construction of said SC/ST Boys Hostel building as well as failed to design the structural drawings of the building properly. So, it is recommended to register a criminal case against Sh Girish Gupta, Govt. Contractor and other HIMUDA officials for the offences punishable under section 4, 56 of Himachal Pradesh Prevention of Corrupt Practices Act, 1983 and under section 420, 468, 471 120(B) IPC. Action taken:- From the contents of the complaint, a criminal case for the offences punishable under section 4, 5, 6 of Himachal Pradesh Prevention of Corrupt Practices Act, 1983 and under section 420, 468, 471 120(B) IPC is made out against Sh Girish Gupta, Govt. Contractor and other unknown HIMUDA officials. A criminal case is registered in this Police Station and investigation is entrusted to Inspector Chaman, I/O, PS, SVACB, Shimla. Copy of FIR is being sent to the Ld. Court of CJM Shimla and senior officers of SV and ACB, Shimla.

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.

(की गयी कार्यवाही: चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख द्वारा के तहत है।)

(1) Registered the case and took up the investigation:
(प्रकरण दर्ज किया गया और जांच के लिए लिया गया):

or (या)

(2) Directed (Name of I.O.) (जांच अधिकारी का नाम):
No. (सं.): 13546

Chaman

Rank (पद): 1 (Inspector)

to take up the investigation (की जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या)

(3) Refused investigation due to (जांच के लिए):

or (के कारण इकार किया या)

(4) Transferred to P.S. (थाना):

District (ज़िला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित) .

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant free of cost. (शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी)

R.O.A.C. (आर. ओ. ए. सी.)

14. Signature/Thumb impression of the complainant / informant. (शिकायतकर्ता / सूचनाकर्ता के हस्ताक्षर / अंगुठे का निशान):

15. Date and time of dispatch to the court (अदालत में प्रेषण की दिनांक और समय):

Signature of Officer in charge, Police Station
(थाना प्रभारी के हस्ताक्षर)

Name (नाम): Kamal Kishore
Rank (पद): Dy. S.P. (Deputy Superintendent of Police)
No. (नं): 1710

Vigilance Anti Corruption Zone
Mobile - 1710