

WP Crl. No. 852 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 05.11.2025
DELIVERED ON : 11.02.2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

W.P.Crl.No.852 of 2025

H.Manikandan
S/o.Haridoss, 107, Krishna Nagar 5th
Cross, Near National Pharma Agency,
Viruthachalam, Cuddalore - 606 001.

Petitioner(s)

Vs

1. The Director,
CBI, 6th Floor, Lodhi Road,
Plot No.5-B, Jawaharlal Nehru Stadium
Marg, CGO Complex,
New Delhi-110 003.

2. The Joint Director,
CBI, No.26, 3rd Floor,
Opposite Reliance and Food
Corporation,
Haddows Road, Shastri Bhavan,
Chennai-600 006.

3. The Inspector of Police,
Central Bureau of Investigation,
Anti-Corruption Branch, Chennai.

Respondent(s)

PRAYER : Writ Petition filed under Article 226 of Constitution of India, 1950
praying to issue a Writ of Mandamus, directing the 3rd respondent to register the



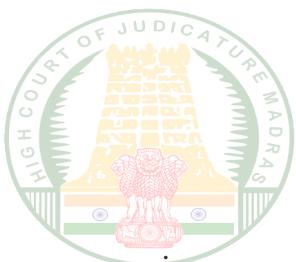
First Information Report / Regular Case and file a final report under Section 193
WEB of BNSS, 2023, based upon the petitioner's complaint dated 23.07.2025 which
was forwarded by the respondents 1 and 2 to the 3rd respondent for
investigation.

For Petitioner : Mr.G.Ravikumar

For Respondents : Mr.K.Srinivasan
Special Public Prosecutor For CBI Cases

ORDER

The petitioner, a resident of Cuddalore District, on coming to know about the various illegal acts of the Neyveli Lignite Corporation (NLC) India Limited officials in mass corruption in various projects of NLC India Ltd. from the year 2022 to 2025, gathered various information about the illegal acts and sent a complaint dated 23.07.2025 to the first and second respondents against the officials of NLC India Ltd. and private individuals, contractors and legal entities complaining against several private individuals/legal entities and public servants, benefited to the tune of Rs.422 Crores approximately. After receipt of the complaint, the second respondent forwarded the complaint to the third respondent for appropriate action, third respondent sent a communication dated 13.08.2025 to the petitioner calling him to give his contact and other details to take appropriate action. The petitioner gave all details. The third respondent thereafter taken no tangible action, hence filed this writ petition seeking for



WP Crl. No. 852 of 2025

issuance of mandamus, directing the third respondent to register an
WEB COPY F.I.R./Regular Case and file final report on the complaint of the petitioner dated 23.07.2025.

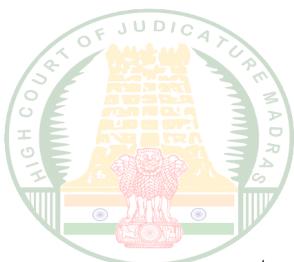
2. The learned counsel for the petitioner submitted that his complaint disclosed cognizable offence committed by officials of NLC India Ltd. in collusion with private individuals, contractors and others. The complaint was specifically made against the Chairman-cum-Managing Director, NLC India Ltd., Director/Power, Director/Finance and other officials, viz., CVO/NLCIL, Director/P&P (Retd.), ED/CSR, ED/Finance, ED/REPP & CTO, ED/NTTPP, ED/Talabira Mines, CGM/PSE, GM/CEC (Retd.), ED/Legal, Company Secretary, ED/Thermal, CGM/TPS and against private individuals, contractors and legal entities, who all conspired to do an illegal act and committed criminal misconduct, breach of trust, cheating, fabrication of documents and falsification of accounts and thereby committed wrongful loss to NLC India Ltd. to the tune of Rs.422 Crores approximately, by giving 5 specific instances.

(i) Instant No.1: NLC awarded a project of Neyveli Talabira Thermal Power Project at Odisha for construction of houses for PDF (Project Disabled Families) and the contract was awarded to M/s.RSB Projects Private Limited on



21.12.2022 for a value of Rs.137.97 Crores in violation of all Rules and
WEB COPY procedures, and by suppressing the earlier material documents of this project.

During the execution of the work, M/s.RSB Projects Private Limited asked for supplementary item works of six numbers along with quantity enhancement during February, 2024. To help the contractor and without following the regular procedures, a committee was constituted by NLC India Ltd. and with the recommendation of the committee and a subsequent approval of NLC India Ltd., Subcommittee of Directors, amendment the contract issued approving only three supplementary item works against six supplementary item works requested. This was done to enrich the contractors illegally. Again, during September, 2024, the contractor requested supplemental item works for six numbers including the item works, which were not approved earlier. This time a new committee constituted by NLC India Ltd. to review the supplementary item works requested by the contractor with an understanding to give clear cut bribe amount to the above officials of NLC India Ltd. To help the contractor, Members and Chairman of the Committee from the same division gave favourable order to the contractor by abusing their official position. The said committee members gave divided opinion but with advantage of Chairman's vote, recommendation of supplemental item works passed with 3:2 votes. Again during July, 2024, the contractor sought rate revision for the contract. This



request was rejected by the Central Technical Office (hereinafter referred as **WEB COPY** 'CTO'). However, with the influence of contractor, the NLC India Ltd. officials constituted one lower level committee, then again one high level committee but in both the committees, CTO officials not included to review the contractor request. The high level committee recommended rate revision of contract against the agreement conditions executed by the contractor. The agreement conditions clearly stipulates that no rate revision is applicable during the entire contract period. This is a clear abuse of power by the NLC India Ltd. officials who derived pecuniary advantage from the contract which is nothing but an illegal gratification which is punishable under the provisions of Prevention of Corruption Act.

(ii) Instant No.II: Contract given to M/s.HITES, who in turn given to M/s.KPC Projects Ltd., Hyderabad for construction of Integrated Township in Talabira site. The original Integrated Township construction was planned by CTO with proper estimation for a value of Rs.191 Crores for 642 numbers of various types of houses for its employees and for approach road to Township, Hospital facility, Recreational clubs, Schools and closed Auditorium etc. During tendering one of the bidder M/s.BHEL asked NLC India Ltd to delink some of the non EPC works from the tender including Township construction work to



avoid time delay in execution of the main Thermal Power Project at Talabira,

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Odisha. It is learnt that the CMD changed all conventional procedure followed earlier by NLC India Ltd., for almost all contract works including Township construction work by CTO, NLC India Ltd. all of a sudden, without following customary contractual procedure, the entire Talabira Township construction work was taken away from CTO Thermal domain scope and handed over to Mines domain. From Mines domain, this work was offloaded to M/s.HITES on PMC basis and M/s.HITES awarded this work on nomination basis urgently without following the open tender method. Even though the work was awarded on nomination basis urgently during June, 2024, for the construction of houses, tender was floated by M/s.HITES during April, 2025 only. The EPC contract for construction of Integrated Township work was awarded to M/s.KPC Projects Ltd., Hyderabad for an exorbitant value of Rs.524.50 Crores. The NLC India Ltd. officials committed criminal misconduct along with officials of M/s.HITES and both the parties received considerable bribe money to the tune of Rs.361.24 Crores.

(iii) Instant No.III: Granting Extension of Time twice to contract agencies in transporting of Pond Ash. On 30.05.2023, Pond Ash sale order agreement issued to agencies for the quantity of 10 lakhs ton and for a value of Rs.1 per



ton for a time period of 12 months up to 29.05.2024. The contractor claimed it could not transport the pond ash from the abandoned pond within the original contract period and sought extension of time citing reasons that no proper approach road available for transportation of pond ash and NHAI also utilising the ash pond at that time parallelly and transporting ash, hence, there was disruptions in the transport. Further, there is no alternate road available to transport the ash. The contractor demanded for extension of time for a period from 30.05.2024 to 30.12.2024, which was granted at the same rate of Rs.1 per ton of pond ash and further the first extension was closed on 22.12.2024. However, the contract agencies removed pond ash and red sand from the ash pond even after this period, which was found by NLC India Ltd. Vigilance team on 02.01.2025, and there was a removal of 73000 tons of red sand from the ash pond causing damage to the embankment. The second extension of time was granted to the contractors against the vigilance report. At that time though the pond ash per ton was valued at a minimum of Rs.150 per ton, it was given at meagre value of Rs.1 per ton of ash and there was reverse flow of funds to the public servants.

(iv) Instant No.IV: 'Voice of World' with regard to CSR programs. NLC India Ltd. Management misused the Corporate Social Responsibility (CSR)



WEB COPY funds. At the last minute the CSR funds allotted to Kolkata based NGO 'Voice of World' was stopped. Earlier, Voice of World sought release of Rs.4 Crores for CSR fund for door-to-door campaign providing nutritious food for the affected blind girls and purchase of house for running medical check-up. This CSR fund was released at the instance of an internal Director of NLC India Ltd.

(v) Instant No.V: Exim Bank. NLC India Ltd. is operating its projects all over India. Some of the Joint ventures companies like NTPL at Tuticorin, Tamil Nadu, NUPPL at Ghatampu, Uttar Pradesh also operated by NLC India Ltd. During May, 2024 an E-mail received by the Corporate Environment Cell from EXIM Bank seeking verification of authenticity of the documents issued by NLC India Ltd. containing authorisation by GM as CEO of the Joint Venture entity of NLC India Ltd. with Malaysia/Singapore based firm. This authorisation document is said to have been issued by Company Secretary of NLC India Ltd. On enquiry, it was found authorisation to be a forged, fake document, forging NLC India Ltd. Company Secretary signature and by using the forged letter, they attempted to get Bank Guarantee from EXIM Bank to avail loan from US based financial institution, projecting loan required for manufacture of Graphite from the Neyveli Township Municipal waste.



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3. For the above forgeries, Chief Vigilance Officer, NLC India Ltd. lodged a complaint to the local police, though police complaint lodged and CSR No.525 dated 30.11.2024 issued by the local police, thereafter no action taken either by the local police or by the NLC India Ltd. to further pursue the matter, unearth the forgery committed and to find out involvement of the top officials of NLC India Ltd. The petitioner along with his complaint dated 23.07.2025, annexed nine supporting documents to prove the misdeeds committed by NLC India Ltd. officials and others, but no action taken.

4. In support of his contention, the learned counsel for petitioner relied upon the decision of Hon'ble Apex Court in the case of *A.R.Antulay vs. Ramdas Sriniwas Nayak and another* reported in (1984) 2 SCC 500, wherein it is held that in criminal jurisprudence anyone can set or put the criminal law into motion except where the statute enacting or creating an offence indicated to the contrary and *locus standi* of the complainant is a concept foreign to criminal law save and except that where the statue creating an offence provides for the eligibility of the complainant by necessary implication the general principle gets excluded by such statutory provision.



5. He further relied upon the judgment in the case of *Lalita Kumari vs. Government of Uttar Pradesh and others* reported in (2014) 2 SCC 1, wherein

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the Hon'ble Apex Court issued guideline with regard to the registration of F.I.R. when cognizable offence is made out and carved out certain type of cases where preliminary enquiry is to be conducted will depend upon the facts and circumstances of each case and to Prevention of Corruption Act cases but that complaint cannot be kept endlessly in the guise of preliminary enquiry and time line has been prescribed.

6. The learned counsel further filed an additional typed set of papers and affidavit. In the additional affidavit it is submitted that it is the duty of the third respondent to take appropriate action in accordance with Chapter XII of Cr.P.C./Chapter XIII of BNSS, 2023 based upon the complaint and nine documents provided by the petitioner, but not considering the same, the third respondent filed an untenable written submission before this Court. The entire written submissions filed by the third respondent is not touching the offence committed by the officials of NLC India Ltd. and the written submission totally silent about the status of petitioner's complaint.



WEB COPY 7. In support of his contention, the learned counsel relied upon the judgment of the Hon'ble Apex Court in the case of *Pradeep Nirankarnath Sharma vs. State of Gujarat and Others* reported in (2025) 4 SCC 818, wherein the principles of *Lalita Kumari* case reiterated. He further relied upon the decision of Hon'ble Apex Court in the case of *State of Karnataka vs. Sri Channakeshava.H.D. and another* reported in 2025 *LiveLaw (SC)* 412, wherein it is held that an accused public servant does not have any right to explain the alleged disproportionate assets before filing of an F.I.R. Lastly, he relied upon the decision in the case of *Vinod Kumar Pandey and another vs. Seesh Ram Saini and others* reported in 2025 *SCC OnLine SC* 1951, which reiterates the principle laid down in *Lalita Kumari* case for the point that genuineness or credibility of the information is not condition precedent for the registration of F.I.R.

8. The learned Special Public Prosecutor filed his written submissions and relied upon the decisions in the case of *Bhajan Lal, P.Sirajuddin vs. State of Madras*, which reads as follows:

“Preliminary Submission

1. The present writ petition is misconceived, untenable in law, and



deserves dismissal at the threshold. The petitioner has sought to assail the action of the answering respondent without producing even a shred of evidence in support of the allegations contained in his complaint.

2. It is settled law that writ jurisdiction under Article 226 is not meant to be invoked for mere bald allegations. Unless there is some material which discloses a prima facie commission of an offence, no direction can be issued to register a case.

Facts

3. The petitioner submitted a complaint before the respondent containing allegations of misconduct/corruption.

4. In accordance with procedure, the complaint was scrutinized and the petitioner was contacted for production of relevant documents or supporting evidence.

5. The petitioner expressly admitted that he does not possess any such documents or supporting material. In absence of any prima facie evidence, no further action could be taken at that stage.

6. Contrary to facts, the petitioner has alleged that the respondent "insisted him to approach the High Court" for registration of a case. This allegation is baseless and denied. The petitioner was only informed of the correct legal position that without supporting



WEB COPY evidence, no case can be registered, and that directions for registration of a case fall within the domain of the competent authority or the Hon'ble Court.

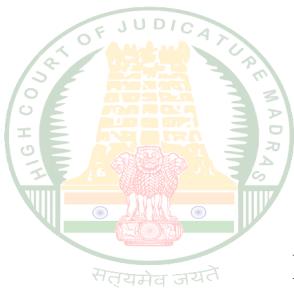
Legal Position

7. As per well-settled law, preliminary verification of a complaint is permissible and, in fact, necessary before registration of a criminal case.

- In *State of Haryana v. Bhajan Lal*, AIR 1992 SC 604, the Hon'ble Supreme Court laid down that no case should be registered on the basis of vague or indefinite allegations, and that preliminary enquiry is permissible to ascertain whether cognizable offence is disclosed.
- In *P Sirajuddin v. State of Madras*, (1970) 1 SCC 595, the Hon'ble Supreme Court emphasized that allegations of corruption against public servants must be carefully screened at the threshold before any investigation is initiated.

8. As per Vigilance guidelines and departmental procedure:

- The complainant is obliged to furnish *prima facie* materials or evidence.
- The concerned vigilance department conducts an initial enquiry to ascertain veracity.
- If allegations involve the Chief Vigilance Officer or higher authority, the matter is referred to the competent



Ministry/Department.

WEB COPY ° Only if prima facie evidence emerges, or if directed by this Hon'ble Court, can register a Regular Case (RC).

9. It is therefore submitted that the stand taken by the respondent is strictly in accordance with law and procedure.

Denial of Imputations

10. The allegation that the respondent directed the petitioner to approach the Hon'ble High Court is wholly false. The petitioner appears to have misinterpreted the clarification given to him regarding the legal process. At no point was the petitioner coerced or compelled in any manner”

9. The learned Special Public Prosecutor further submitted that it is admitted by the petitioner that the third respondent called him for enquiry to submit the relevant materials. The petitioner was making allegations claiming himself to be running private Man Power Agency. Further the petitioner makes sweeping allegations against the top officials of NLC India Ltd. and others. In view of the above, the petitioner was called to produce all documents referred to in his complaint and also to give explanation. The petitioner gives his own interpretation, making serious allegations against the officials and others. The



petitioner was called more than once to appear before the third respondent,

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submit the documents in support of his complaint and to give explanation, but petitioner not turned up, co-operated for enquiry and now filed this writ petition making wild allegations.

10. Considering the submissions made and on perusal of the materials, it is seen that petitioner sent a complaint dated 23.07.2025 and in his complaint gave five instances of misdeeds and referred to nine documents, but copies of the nine documents not produced before this Court. This Court is not aware, what these documents contain. The third respondent filed his written submissions and submitted that the complaint was sent to the second respondent and the same forwarded to the third respondent. Thereafter, the officials of third respondent contacted the petitioner and called for further information, since the information provided was not complete. The petitioner was asked to produce supporting documents and to give explanation. It is the specific stand of the third respondent that the petitioner not appeared and produced documents, hence enquiry could not proceed on unverified allegations. This is not seriously refuted by the petitioner.



11. The petitioner is making serious allegations against the top officials of NLC India Ltd., contractors and others. Merely because a complaint is filed, an F.I.R. cannot be registered straightaway, unless it is verified and found there is *prima-facie* material to proceed further. It is also to be seen that NLC India Ltd. has got a Vigilance Department, which had enquired some of the allegations made by the petitioner. Further NLC India Ltd. is a structural organisation following procedures. It is also audited by internal, external auditors, statutory auditors and Comptroller and Auditor General of India. Hence, on the materials submitted by the petitioner and on enquiry with the petitioner the third respondent can further proceed. Hence, petitioner's participation with the enquiry is required.

12. In view of the above, the third respondent is directed to summon the petitioner for enquiry on 23.02.2026 and thereafter for subsequent dates, if required. The petitioner is directed to appear before the third respondent, provide all details with supporting documents, available with him and also to co-operate with the enquiry. The third respondent to conduct enquiry and thereafter take appropriate action in the manner known to law.



WP Crl. No. 852 of 2025

13. With the above directions, the Writ Petition stands disposed of.

WEB COPY

11.02.2026

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order
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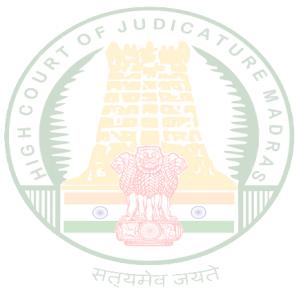
To

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4. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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**Pre-delivery order in
W.P.Crl.No.852 of 2025**

11.02.2026

18/18