

Municipal Corporation Of Delhi & Ors vs Lokpal Of India on 5 January, 2023

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 17745/2022 and CM APPL. 56702/2022

MUNICIPAL CORPORATION OF DELHI & ORS..... Petitioners

Through: Mr. Sandeep Sethi and Mr. Raj
Shekhar Rao, Sr. Advocates with Mr.
Ajjay Arora, Mr. Kapil Dutta, Mr.
Sanjay Vashisht and Mr. Anuj
Bhargava, Advocates for MCD.
(M:9811160827, 9999753811)

versus

LOKPAL OF INDIA

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Through:

Mr. Apoorv Kurup, CGSC
Swati Bhardwaj, Advocate

CORAM:

JUSTICE PRATHIBA M. SINGH
ORDER

% 05.01.2023

1. This hearing has been done through hybrid mode.
2. Mr. Apoorv Kurup, ld. CGSC appearing for the Lokpal of India submits that he needs time to take instructions in the matter.
3. The legal issue that has been raised by ld. Senior Counsel for the Petitioners is that as per Section 14 of The Lokpal and Lokayuktas Act, 2013 in the case of persons, who are employed with Corporations, which are wholly or partially financed by the State Government, the consent of the State Government would be required before any enquiry can be directed.
4. The relevant extract of Section 14 of The Lokpal and Lokayuktas Act, 2013 reads as
14. Jurisdiction of Lokpal to include Prime Minister, Ministers, members of Parliament, Groups A, B, C and D officers and officials of Central Government.--(1) Subject to the other provisions of this Act, the Lokpal shall inquire or cause an inquiry to be conducted into any matter involved in, or arising from, or connected with, any allegation of corruption made in a complaint in respect of the following, namely:--

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(d) any Group 'A' or Group 'B' officer or equivalent or above, from amongst the public servants defined in sub-clauses (i) and (ii) of clause (c) of section 2 of the Prevention of Corruption Act, 1988 (49 of 1988) when serving or who has served, in connection with the affairs of the Union;

(e) any Group 'C' or Group 'D' official or equivalent, from amongst the public servants defined in sub-clauses (i) and (ii) of clause (c) of section 2 of the Prevention of Corruption Act, 1988 (49 of 1988) when serving or who has served in connection with the affairs of the Union subject to the provision of sub-section (1) of section 20;

(f) any person who is or has been a chairperson or member or officer or employee in any body or Board or corporation or authority or company or society or trust or autonomous body (by whatever name called) established by an Act of Parliament or wholly or partly financed by the Central Government or controlled by it:

Provided that in respect of such officers referred to in clause (d) who have served in connection with the affairs of the Union or in any body or Board or corporation or authority or company or society or trust or autonomous body referred to in clause (e) but are working in connection with the affairs of the State or in any body or Board or corporation or authority or company or society or trust or autonomous body (by whatever name called) established by an Act of the State Legislature or wholly or partly financed by the State Government or controlled by it, the Lokpal and the officers of its Inquiry Wing or Prosecution Wing shall have jurisdiction under this Act in respect of such officers only after obtaining the consent of the concerned State Government;

XXXX XXXX XXXX (3) The Lokpal may inquire into any act or conduct of any person other than those referred to in sub-section (1), if such person is involved in the act of abetting, bribe giving or bribe taking or conspiracy relating to any allegation of corruption under the Prevention of Corruption Act, 1988 (49 of 1988) against a person referred to in sub-section (1):

Provided that no action under this section shall be taken in case of a person serving in connection with the affairs of a State, without the consent of the State Government.

5. At the request of Mr. Kurup, ld. Counsel, list on 9th January, 2023 at 2:30 pm.
PRATHIBA M. SINGH, J.

JANUARY 5, 2023/dk/am