

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
I.A. No. _____ OF 2014
IN
WRIT PETITION (CIVIL) NO. 463 OF 2012

In the matter of:

Common Cause & Ors ...Petitioners

Versus

Union of India & Ors ...Respondents

APPLICATION FOR DIRECTIONS
ON BEHALF OF THE PETITIONERS

To

The Hon'ble Chief Justice of India and His Hon'ble Companion Justices of the Hon'ble Supreme Court of India

The humble application of the petitioner above named most respectfully showeth:

1. The above petition relates to the massive scam that occurred in the allocation of precious natural resource, i.e. coal, causing loss to the public exchequer running into lakhs of crores of rupees. Coal blocks with hundreds of millions of coal reserves were gratuitously handed over to a few select private profiteers. Not only was a scarce national resource gifted away to private companies virtually free, the process followed in selecting the allottees was also completely opaque and arbitrary, and has been declared to be illegal *vide* this Hon'ble Court's judgment dated 25.08.2014.

2. There is no doubt that serious criminal offences including corruption, cheating, breach of trust, fraud and criminal conspiracy were committed in the allocation of coal blocks. The Central Vigilance Commission (CVC) had itself directed the CBI to investigate the allocation pursuant to which CBI has registered 20 FIRs for offences of corruption, cheating, and criminal conspiracy against several companies and “unknown public officials”, although the agency has so far filed only two chargesheets for the offence of cheating. It is evident that the persons who are the subject of the investigation are extremely influential and powerful. The involvement of various former ministers, bureaucrats, and big corporates is required to be investigated as they were either involved in the allocation of coal blocks or were the beneficiaries of the said allocations.

3. Considering the magnitude of the case and the involvement of influential persons, this Hon’ble Court is monitoring the investigations being carried out by the CBI and the ED, and has passed several directions in the matter, which make it clear that no interference from any quarter in the said investigations would be tolerated.

4. The petitioners are filing the instant application in the context of the extraordinary developments that have recently come to light. This application seeks a direction to Mr. Ranjit Sinha, Director, Central Bureau of Investigation (CBI), not to interfere in the investigations and prosecutions related to the coal blocks allocation case, and to recuse himself from the case. There are incontrovertible facts in the public domain which lead to the inescapable conclusion that it is necessary to

remove Mr. Sinha from the case for ensuring fair and impartial investigations. Before spelling out the new revelations, the petitioners would like to enumerate the instances of undue interference on the part of Mr. Sinha that are already on the record of this Hon'ble Court.

Changing the status report

5. This Hon'ble Court, *vide* its order dated 24.01.2013, had directed the CBI to file the status report in the form of an affidavit. However, the CBI took leave of this Hon'ble Court to file the status report in a sealed-cover and filed the same on 08.03.2013. On the next date of hearing, i.e. 12.03.2013, the CBI's senior counsel informed the court that the status report had not been shared with anyone. However, this Hon'ble Court asked the Director CBI to file an affidavit that the status report had not been shared with the political executive.

6. Having been forced to file an affidavit, the Director CBI admitted before this Hon'ble Court *vide* a short affidavit that he had shared the status report with the political executive. Presented with a cryptic and unsatisfactory affidavit that concealed more than it revealed, this Hon'ble Court, *vide* order dated 30.04.2013 framed specific queries for the CBI Director to answer. In the next affidavit, the Director, CBI, admitted that not only did he share the status report with the political executive, but he also changed it at their instance. Narrating the sequence of events, he informed this Hon'ble Court that he changed the status report at the instance of the Union Law Minister and two joint-secretary level officers of the PMO and the Ministry of Coal, and that several findings of the CBI were dropped from the status report.

This Hon'ble Court later admonished the CBI for allowing a status report, which was meant to be filed in a sealed cover before this Hon'ble Court, to be altered at the request of the political executive.

Forcing CBI to close cases

7. As the investigations progressed further, it came to light that Mr. Sinha, along with a few other senior officers of the level of the Joint Directors, was repeatedly overruling the investigation officers and forcing them to not to register FIRs/RCs in cases where PEs had been registered. He even forced them to file closure reports in cases where FIRs had already been registered.

8. Faced with such a situation, this Hon'ble Court, *vide* order dated 28.03.2014, directed the CBI to submit their reports to the Central Vigilance Commission (CVC) in cases where Inquiry Officers had recommended registration of a Regular Case, but had been overruled by the CBI Headquarters. Later, the CVC, agreeing with the investigation officers, categorically recommended registration of Regular Cases in as many as 14 such cases in the first instance. This Hon'ble Court directed the CBI to abide by the view taken by the CVC. This clearly shows that the decision taken at the level of the CBI Director to close these cases was wrong and amounted to subverting the process of investigation.

New revelations

9. A trusted whistle-blower has brought to the notice of the counsel for the petitioners some significant information contained in the

entry register of the years 2013 and 2014, which was maintained at the official residence of the CBI Director, Mr. Ranjit Sinha, at 2, Janpath, New Delhi. This record, which has also been accessed by several media organizations, shows that the CBI Director had met at his residence several persons, who are the accused in prominent cases like Coal blocks allocation scam, 2G scam, 4G scam, etc., without any of the investigation officers being present. Many of the meetings were held late at night.

10. It is of particular significance that Mr. Ranjit Sinha had several meetings with Mr. Vijay Darda, and his son Mr. Devendra Darda, who are being investigated in the case of illegal allocation of coal blocks. Mr. Sinha also met with Mr. Subodh Kant Sahay, former Union Minister, whose brother's company is one of the beneficiaries of the allocation of coal blocks and is being investigated by the CBI.

11. The aforesaid entry register of Mr. Sinha's residence runs into hundreds of pages and contains thousands of handwritten entries. The entries contain specific details, including the name of the visitor, date and time of visit, and the vehicle number, which can easily be verified in any investigation. It is to be noted that Mr. Sinha did not meet all these accused persons at his office, or in the presence of the investigation officers. He only met them at his residence without the investigation team being present. A copy of the entry register along with a list of prominent visitors is being filed in a sealed cover as **Annexure A**.

12. Mr. Sinha also frequently met the accused in the 2G scam case, especially senior officials of Reliance Telecom. Reliance and its officers have been chargesheeted by the CBI and the trial is about to get concluded as it is at the stage of defence evidence. These meetings have to be seen in light of the fact that Mr. Sinha made repeated attempts to help accused Reliance officers, accused Mr. Shahid Balwa etc. by preparing affidavits admitting the theory propounded by the accused which is totally contrary to the chargesheet filed by the CBI, ordering further investigations on the lines desired by the accused even though prosecution evidence is complete and transferring DIG level officer who refused to toe his line. For this conduct, he was strongly criticized by the then special public prosecutor in 2G cases Shri U U Lalit. But shockingly, Mr. Sinha wrote on file that since a new SPP would be appointed (after Shri Lalit's appointment as a judge of this Hon'ble Court), he would rake up the matter again. A note submitted by the petitioners in the 2G case (CA 10660/2010) to this Hon'ble Court on 02.09.2014, in this regard, is annexed as **Annexure B** (Pg _____).

13. When these facts came to light, Mr. Sinha got the CBI to issue a statement that these revelations were a lie and that no such entry register existed. Later, he issued a statement that this was tantamount to an invasion of his privacy. And then he issued a statement that some entries in the register were genuine, while the others were forged. Finally, he again changed his statement and claimed that there was nothing wrong in meeting the accused. These changing versions

show that Mr. Sinha has much to hide. A news report on the same is annexed as **Annexure C** (Pg _____).

Conclusion

13. From the above, it is clear that even after Mr. Ranjit Sinha and the CBI were admonished by this Hon'ble Court for showing the CBI status report to the political executive before it was filed in this Hon'ble Court and for modifying the status report at the instance of the political executive, he did not mend his ways. He continued to interfere in the CBI investigations in the coal allocation cases by overruling the team of investigation officers and forcing them not to register FIRs and file closure reports in cases where FIRs had already been registered. Eventually, this Hon'ble Court had to step in and order the registration of as many as 14 fresh FIRs in coal allocation cases. Even now, no effort is being spared in order to delay the registration of FIRs and filing of chargesheets.

14. Mr. Sinha's frequent meetings at his residence with the accused in prominent cases like coal block allocation scam and 2G scam are of a piece with the attempts to damage the CBI's case in 2G cases, for which he was strongly criticized by then Senior Public Prosecutor, Shri U. U. Lalit.

16. Hence, in the light of these facts and circumstances, it is respectfully prayed that in public interest and in the interest of fair investigations in the case, this Hon'ble Court may be pleased to direct that Mr. Ranjit Sinha, Director, CBI, shall not interfere in coal block

allocation case investigations and the prosecutions being carried out by the CBI, and shall withdraw from these cases.

PRAYERS

In these facts and circumstances, the petitioners respectfully pray that your Lordships may be pleased to pass the following *ad interim* directions:

- (i) Direct Mr. Ranjit Sinha, Director, CBI, not to interfere in the coal block allocation case investigations and prosecutions being carried out by the CBI and to recuse himself from these cases.
- (ii) Direct an SIT appointed by this Hon'ble Court to investigate the abuse of authority committed by the CBI Director in order to scuttle inquires, investigations and prosecutions being carried out by the CBI in coal block allocation cases and other important cases.
- (iii) Pass other or further orders as may be deemed fit and proper.

AND FOR THIS ACT OF KINDNESS THE PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.

PETITIONERS THROUGH:

FILED ON: .09.2014

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