

JUSTICE S.N. AGGARWAL COMMISSION OF INQUIRY
(Set up under Section-3 of the Commissions of Inquiry Act, 1952)
In Relation to CNG Fitness Certificate(s) in Tpt. Deptt. Govt. of NCT of Delhi
First Floor, 'E' Wing, 'C' Block, Vikas Bhawan-2 Upper Bela Road,
Civil Lines, Delhi, Tel. No.011-23815363

No.F1(2)/2015/JSNACOI/ 43

Dated :

PUBLIC NOTICE

Whereas the Govt. of NCT of Delhi vide notification dated 11.08.2015 has constituted an independent Commission of Inquiry under the Commission of Inquiry Act, 1952 for enquiring into all aspect of the award of work related to CNG Fitness Certificate(s) in the Transport Department, Govt. of NCT of Delhi and subsequent investigations and development in the case.

And whereas the Govt. of NCT of Delhi vide notification No.F.5/DOV/TPT/4/7/2015/9386-9393 dated 11.08.2015 issued by the Directorate of Vigilance, Vigilance Department, Govt. of National Capital Territory of Delhi has appointed Justice S.N. Aggarwal, Former Judge, Delhi & Madhya Pradesh High Court as one member Commission of Inquiry with the following terms of reference:

- (i) To look into all aspects of the award of contract by the Transport Department, Govt. of NCT of Delhi for inspection and certification of commercial Vehicles for fitness to M/s ESP India Pvt. Ltd, and to point out irregularities, if any.
- (ii) To identify the persons responsible for the irregularities identified.
- (iii) To look into the circumstances surrounding denial of prosecution sanction against persons responsible for the irregularities, if it is now found that the case for prosecution is actually made out against them.
- (iv) To recommend action against the persons responsible for these irregularities, if any, and to suggest future course of action in this case.

- (v) To suggest remedial action at institutional level to avoid such irregularities, if any, in future.
- (vi) To suggest measures for recovery of amount illegally accrued by the vendor by way of this contract, if any.
- (vii) Any other matter that may be referred to the Commission.

Having regard to the nature of inquiry to be made by the Commission and other circumstances of the case, all the provisions of sub-section-2, sub-section-3, sub-section-4, sub-section-5 and sub-section-5 A of section-5 of the said Commissions of Inquiry Act, 1952 shall be applicable to the Commission, and the Govt. of NCT of Delhi in exercise of the powers conferred under sub-section-1 of section-5 of the Commissions of Inquiry Act, 1952 hereby directs that all provisions of the sub-sections-2,3,4,5 and 5A of that section shall apply to the Commission.

Now, through this notice the Commission of Inquiry so appointed hereby invite all persons acquainted with, affected from, concerned with and such other public organizations having social agenda in respect of the matter of inquiry to furnish to the Commissions statement relating to the above terms of reference. Such statement should be in the form of an affidavit in respect of the facts set out in the statement. All affidavits thus made in response hereto shall be treated as confidential documents unless otherwise directed by the Commission. The affidavits should be sworn before a First Class Magistrate or Notary Public or Oath Commissioner or any other authority legally empowered to administer oath. Further, person furnishing a statement shall also furnish to the Commission along with the statement a list of documents, if any, on which he or she proposes to rely and forward to the Commission, wherever practicable, the originals or true copies of such of the documents as may be in his possession or control and shall state the name and address of the person from whom the remaining documents may be obtained.

For the purpose of public knowledge it is made clear that as per Section-4 of the Commissions of Inquiry Act, 1952, the Commission is deemed to be a Civil Court and has all the powers which a Civil Court has while trying a suit under the


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Code of Civil Procedure, 1908 for the purpose of summoning and enforcing the attendance of any person and examining him on oath; requiring the discovery and production of any document; receiving evidence on affidavits; requisitioning any public record or copy thereof from any Court or office; issuing commissions for the examination of witnesses or documents; any other matter which may be prescribed.

It is further made clear that any proceeding before the Commission shall be deemed to be judicial proceeding within the meaning of Section 176 and 177 of the Indian Penal Code, 1860. Please also note that no statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in any civil or criminal proceedings except a prosecution for giving false evidence by such statement; provided that the statement is made in reply to a question which he is required by the Commission to answer, or is relevant to the subject matter of the inquiry.

The statement affidavits along with the documents shall be sent to the Secretary to the Commission of Inquiry, 1st Floor, 'C' Block, E-Wing, Vikas Bhawan-2, Upper Bela Road, Delhi-110054 or personally handed over to the Secretary or such other officer authorized by the Commission in that behalf by 31/10/2015.

Issued under the Orders of the
Commission of Inquiry


(JITENDER KUMAR)
Secretary to the Commission