

**TO THE CHIEF JUDICIAL MAGISTRATE**  
**CHANDIGARH**

**INFORMATION UNDER**  
**SECTION 39(1)(VIII) OF THE CRIMINAL PROCEDURE CODE**

(REGARDING OFFENCE RELATING TO CRIMINAL BREACH OF TRUST BY  
PUBLIC SERVANT i.e. OFFENCE UNDER SECTION 409 OF THE IPC)

Information provided by Hemant Goswami S/o B. M. Goswami of  
Society for Prevention of Crime and Corruption, Office #3, Business  
Arcade, Shivalikview, Sector 17-E, Chandigarh 160 017 ON January  
19, 2008.

**SYNOPSIS OF THE INFORMATION:**

**In the name of a Private-Public partnership (PPP) project promoted under the name of "Theme Park/Amusement Park/ Entertainment City", possession of land measuring 73.65 acres in Chandigarh (Sarangpur) under the trust and control of public servants (public servant of Union of India) in Chandigarh has been unlawfully passed on to M/s Unitech Limited by causing great financial loss to the public exchequer and by committing breach of trust.**

**The possession of the said land/property have been transferred to M/s Unitech Limited by manipulating documents inviting expression of interest for a PPP project and by ignoring the ineligibility of M/s Unitech Amusement Park Limited (the original person that participated in Expression of Interest) and by wrongly calculating the value of the land which resulted in fixing of the annual fee for land use as a mere 5.5 crores (plus 1.1% of any revenue) per annum. The actual value of the said property at the current market value is around 2946 crores (@40 crores per acre)**

**and its actual ground rent should have been over 73 crores per annum. Though the primary fact is; that the actual transfer of property to M/s Unitech Limited itself has been done illegally.**

**The commission of the offence has passed through an elaborate design camouflaged as an official invitation for development of land. The said public servants being entrusted and having dominion over property, appear to have dishonestly disposed off that property in violation of any direction of law prescribing the mode of discharge of such trust. The undersigned is duty bound under the law to inform about the possible offence under Section 409 of the IPC.**

Madam,

The undersigned person believes that there has been a commission, and/or the intention, by certain public servants and other persons to commit an offence punishable under relevant sections (section 409 specifically) of the Indian Penal Code (45 of 1860) as mentioned in Section 39 of the Criminal Procedure Code. The undersigned had obtained certain documents under the provisions of "Right to Information Act" and also obtained documents after inspecting the files of the respective companies through the "Registrar of Companies" constituted under the Companies Act of 1956. After analyzing the information and connecting it with the recent information obtained from the "Registrar of Companies," commission of this offence has come to light of the undersigned.

As duty bound under the provisions of Section 39 of the Cr. P.C., the undersigned forthwith gives information of such design leading to the commission and the intention to commit an offence under section 409 (and other provisions of the law) to your lawful office.

- 1) That the officials of Chandigarh Administration on 6-12-2006 signed an agreement with M/s Unitech Limited to develop 73.65 acres of land in Chandigarh (Sarangpur) and thereafter transferred the possession of the said property for an annual

consideration of Rs. 5.5 crores (+1.1 % of the receipt) from M/s Unitech Limited.

- 2) That the said transfer of possession of the 73.65 acres of land was claimed to be done on the basis of response by interested person (companies) to an "Expression of Interest (EoI)" advertisement of Chandigarh Administration in newspapers dated April 3, 2006 (**Annexure C-1**) and the bidding process among those who submitted their EoI in response to the advertisement.
- 3) However M/s Unitech Limited did not participate in the initial "Expression of Interest (EoI)" advertisement of Chandigarh Administration and it was only M/s Unitech Amusement Park Limited (a different legal person) that participated in the initial EoI (**Annexure C-2**). M/s Unitech Amusement Park Limited did not even fulfil the terms and condition of participation in the EoI, as their net worth was found to be less than the Rs. 150 crores, the minimum required for participation in the bidding process.
- 4) That certain public servant illegally changed the initial expression of interest from the name of M/s Unitech Amusement Park Limited to that of M/s Unitech Limited and thereafter accepted financial bids from them. Even though M/s Unitech Limited did not fulfil the other criteria of having experience of setting up of one similar project in India. The public servants illegally considered the experience of M/s Unitech Amusement Park Limited as that of M/s Unitech Limited and altered the initial EoI terms to substitute M/s Unitech Limited in the place of M/s Unitech Amusement Park Limited. And thereby these manipulations facilitated the transfer of property in favour of M/s Unitech Limited by causing breach of trust.
- 5) That the financial rules, namely the GFR were not followed in the claimed tendering process undertaken. The proper lawful approvals from the Union Government and/or the Union

Cabinet, for transferring the property and thereby developing a project by the name of "Theme Park/Amusement Park/ Entertainment City" on 73.65 acres of prime land in Chandigarh in an area defined as falling under the demarcated area of village Sanangpur was also not taken. That the necessary changes and planning for the purpose of alteration in the Master Plan of Chandigarh was also not lawfully done and the possession of the property was still transferred to M/s Unitech Limited. That the said idea and the design to transfer the property appears to have been initiated after a closed door meeting of some Unitech company employees with the Administrator of Chandigarh, Sh. SF Rodrigues as reported in the March 13, 2006 file noting of the then Advisor. **(Annexure C-4 page2)**

- 6) That deliberate miscalculation of the ground rent of property; even on the ridiculously low estimation of land made by public servants of Chandigarh Administration and others; was done by the public servants and through the committee which sat on July 12, 2006, formed for calculating the ground rent, deliberately calculated the commercial area ground rent for only 5 acres of land whereas the actual land under commercial use was fixed at 14.7 acres. This deliberate wrong calculation in itself result in causing loss of legal fee of nearly 3.67 crores per annum (at their own incorrect low property valuation rate) and about 121 crores in 33 years (without calculating the compounded loss) by most conservative estimates.
- 7) That the above-mentioned 73.65 acres of property in Chandigarh is actually valued at nearly around 2946 crores (@40 crores per acre) and its actual ground rent should have been over 73 crores per annum. That by adopting certain illegalities and committing irregularities in a camouflaged tendering process, certain public servants in association with some others have attempted to transfer the said property for 5.5 crores (+1.1% of receipt) per annum; much higher

possible bids were ignored and illegally barred; thereby scheming and causing a loss of nearly 2248 crores to the public exchequer over the period of next 33 years.

- 8) The agreement to transfer the land to M/s Unitech Limited is illegal and amounts to a fraud and criminal breach of trust as the Administrator and officials who were entrusted with property and dominion over property in their capacity as public servant(s) and therefore have committed breach of trust with respect to the said property.

**ILLEGALITIES LEADING TO COMMITTING OF THE OFFENCE:  
AS EXPLAINED ABOVE:**

- 9) That certain official of Chandigarh Administration decided on their own, without proper approvals from the Union Government and/or the Union Cabinet, decided to develop a project by the name of "Theme Park/Amusement Park/ Entertainment City" on 73.65 acres of prime land in Chandigarh in an area defined as falling under the demarcated area of village Sanangpur. That the necessary changes and planning for the purpose of alteration in the Master Plan of Chandigarh was also not done.
- 10) That the said idea was initiated after a closed door meeting of some Unitech company employees with the Administrator of Chandigarh, Sh. SF Rodrigues. The same finds a mention in the file noting dated march 13, 2006 of the then Advisor to the Administrator, Sh. Lalit Sharma. However no record of the closed door meeting of some Unitech company employees with the Administrator of Chandigarh has been kept. There was no other feasibility study or pre-project evaluation ever undertaken. In fact the whole project was finalised in less than three weeks without any serious deliberations.
- 11) That a proposal file was moved in this regard by Director-Information Technology Mr. Vivek Atray, who otherwise is not competent to initiate such major projects. A

file noting in this regard **(Annexure C-3)** was generated and signed on March 7, 2006 and further the proposal was strengthened by the then Home Secretary Mr. Krishna Mohan **(Annexure C-4)** and thereafter the same was sent to the then Finance Secretary, Mr. S. K. Sandhu. It was further forwarded to the then Advisor to the Administrator Mr. Lalit Sharma, who approved it on March 13, 2006 and the file was forwarded by his office to the Administrator's office and the project was thereafter approved by the Administrator of Chandigarh on March 20, 2006. It is pertinent to mention that during these very dates, another file relating to the "Film City" project was also under movement.

- 12) That immediately after the approval date (i.e on March 20, 2006), the file noting dated March 23, 2006 by the Director Tourism mentions regarding the presentation by Unitech before the Administrator and mentions that he has already visited the Unitech project sites in Rohini and then Noida on March 22, 2006 along with the town planner Sh. M. L. Arora.
- 13) Subsequently another noting for calling an "Expression of Interest (EoI)" was moved on March 24, 2006 which was approved by the Administrator on March 25, 2006.
- 14) On March 27, 2006 Krishna Mohan, the then Home Secretary made another file noting stating that a joint venture company be formed between Chandigarh Administration along with the selected company for running an amusement park. This was set aside in another file noting by his junior, Vivek Atray (Director-Tourism) on March 30, 2006 and the same was approved by Sh. SF Rodrigues, Administrator of Chandigarh on March 31, 2006. Subsequently s release order for issue of advertisement of EoI was moved by Director-Tourism on March 31, 2006 and thereafter the EoI advertisement appeared in all the newspapers on April 3, 2006. **(Annexure C-1)**

- 15) The Expression of Interest (**Annexure C-1**) laid the following broad requirement of eligibility;
- a. Experience of setting up at least one similar project in India or abroad
  - b. Net worth of the company should not be less than 150 crores at the time of submission of the EoI
  - c. The company should have an annual turnover of atleast 100 crores in the last three years
  - d. The company should have the capacity to invest atleast Rs 50 crores in the project within one year
  - e. International tie-ups with companies which are world class in their respective areas speciality.
- 16) As a result of the EoI advertisement, a total of 13 applications were claimed to have been received (**Annexure C-2**) which included M/s Unitech Amusement Park Limited (**Annexure C-2 at Sr. No. 11**) and mentioned about setting up of Noida Entertainment City and Rohini Amusement Park under their experience.
- 17) In the said expression of interest M/s Unitech Amusement Park Limited mentioned their net worth as 138.34, which was less than the eligibility criteria of 150 crores. Similarly M/s International Amusement Limited mentioned their annual turnover as 13.41, 14.62 and 14.52 for the last three years (**Annexure C-2 at Sr. No. 13**); this too was less than the requirement to annual turnover of atleast 100 crores in the last three years.
- 18) However showing extreme leniency, public servants of Chandigarh Administration sent them a letter asking for clarification on the parameters not found to be in order with their EoI. (**Annexure C-5**)
- 19) That it is understood that after the said clarification received by the companies M/s International Amusement

Limited was found to be eligible after adjustments made by Chandigarh Administration. There was no clear clarification from M/s Unitech Amusement Park Limited (The Company which submitted the EoI) in its own name as the records show that their net worth in 2005 and 2006 was less than the required. **(Annexure C-15)** However the public servants slyly changed the initial EoI from the name of M/s Unitech Amusement Park Limited to that of M/s Unitech Limited. From here onward the eligible company was mentioned as M/s Unitech Limited, **(Annexure C-6)** even though the tie-ups and experience of M/s Unitech Amusement Park Limited, which is a separate company **(Annexure C-8)** and hence a separate legal person (and does not even fall under the definition of subsidiary or a company held by M/s Unitech Limited). It's managed by a different group of Directors and Managers **(Annexure C-7)**. This is a fraud and manipulation of the highest order and show how the whole process was rigged in favour of M/s Unitech Limited.

- 20) That the said expressions of interest were called without any detailed technical evaluation and/or without any firm plan and/or without any feasibility study for the proposed project or otherwise. Moreover such major projects require the advertisement to be advertised globally and give sufficient time to the prospective bidders to prepare a detailed expression of interest. The same was not done in this particular case and everything was done in a hush-hush manner. Since the sufficient time required for making bidding for any project of this scale was deliberately not granted and so as a result only 13 people replied in response to the advertisement. **(Annexure C-2)**
- 21) That subsequently it was decided to call for a financial and technical bid for the project. However the necessary requirement of calling both the financial and technical bid simultaneously (as mandated by the General Finance Rules (GFR)) was dispensed with and only a technical bid was called

for without the financial bid (**Annexure C-6 & C-9**). A total of seven companies participated and thereafter four of them, including Appu Ghar (M/s International Amusement Limited) were rejected on technical grounds. After the process, it has been mentioned that M/s DLF Limited, Pantaloon Limited and M/s Unitech Limited have been shortlisted (**Annexure C-10**). (The name of M/s Unitech Amusement Park Limited is now replaced by M/s Unitech Limited)

22) Till this stage no "Request for Proposal (RFP)" or the details of the project were prepared and only after the second short listing (when all others were rejected), a company called SBI Caps was appointed to prepare the RFP.

**(Annexure C-11)** This was done without any tendering process and/or without placing any advertisement calling for consultants and for no reasons recorded in the files. A decision to prepare an RFP for the last three left out parties was taken and the Administrator approved the same on August 12, 2008.

23) The company SBI Caps, appointed for the purpose had just one junior level officer stationed at Chandigarh, who coordinated with the Chandigarh Administration for its service fee and payments only. It's important to mention that the said employee of SBI Caps, Mr. Bharat Ahuja has no expertise in any of the project areas. This weakness was deliberately created so that there be no independent evaluation of the project and no such party which was not manageable enter as the third party consultant and thereby upset the whole scheme of things.

24) The GFR rules, requiring simultaneous calling of the financial and technical bids for this type of projects appears to have been deliberately broken which therefore renders the whole tender process as illegal. The GFR Laws have specifically been violated. The GFR-2005 came into force from July 1 2005 vide GIMF No 8/9/E, 11 (A) 2003 dated 1-7-2005 issued under clause B (1) Finance of the Allocation of

Business Rules 1961. Rule 152 & 172 make it mandatory for the technical & financial bids to be submitted simultaneously. The GFR was deliberately not followed so as to rig the whole process with an intention to facilitate the offence detailed in this information.

25) That the GFR also does not provide for calling technical evaluation more than once. If this be done, then it raises doubt about the earlier technical bid evaluation process. To manipulate the process, a vested interest in the government can keep on calling the technical bid perpetually, till the time the final bidders and/or his associates are the only one who remains. A similar design was developed in this particular case where after the first EoI, two different rounds of technical bidding was undertaken. **(Annexure C-6 & C-9)**

26) That the modus-operandi mentioned in the paragraph above is apparent as even after the two stages of technical bidding, one of the parties, M/s DLF Ltd. was rejected on the last day **(Annexure C-12)** and thereby leaving only two parties in the fray **(Annexure C-13)**. Even the last two parties, i.e M/s Unitech Limited and M/s Pantaloon had close association (M/s Unitech Limited holds major equity in the said company **(Annexure C-21)**) and have been running a joint venture in close commercial association. It is apparent that both these companies acted as a part of cartel which participated in the process. Even the company M/s International Amusement Limited is in a 50% joint venture with M/s Unitech Limited and so as a result M/s Unitech Amusement Park Limited was formed. Most of the eligible parties are closely related in their financial bidding and this is no accident. It appears that those who did not form a part of this cartel were rejected on technical ground.

27) That in the file noting prepared by the Director tourism on October 25<sup>th</sup> 2006, it mentioned that DLF Limited does not qualify for the project as it was alleged that it did not have sufficient experience for the project since its main technical

partner M/s Sentosa Leisure Group was a sub-consultant. **(Annexure C-12)** (Even though the advertisement for EoI referred to "Sentosa Island" and the said company was Government of Singapore subsidiary. The website of Sentosa reads, "Sentosa is managed under an umbrella group, Sentosa Development Corporation, incepted on 1 September 1972 as a statutory board operating under the Ministry of Trade and Industry.") Hence it was decided that DLF's financial bid would not be opened. This file noting was approved by the Administrator SF Rodrigues on October 25, 2006 itself, the file was sent back on October 26<sup>th</sup> and two remaining bids were opened on the same date. A file noting October 30 by Director-Tourism mentions that the bids were opened and the decision to reject DLF be sent to senior standing counsel for advice. The file noting is counter signed by the then home secretary Sh. Krishna Mohan.

- 28) That acting as an extra constitutional authority, the senior standing counsel wrote an 11 page opinion on October 31, 2006 and justified the decision to reject DLF's bid at the last moment and after the technical process was over. **(Annexure C-14)** The senior standing counsel, Sh. Anupam Gupta claimed to have gone through all the EoI and the initial letters of interest and justified exclusion of DLF. It appears to be a deliberate act to facilitate breach of trust wherein the senior standing counsel, Sh. Anupam Gupta overlooked the fact that the initial EoI for the project was never presented by M/s Unitech Limited and infact they did not participate in the initial "Expression of Interest (EoI)" advertisement of Chandigarh Administration and it was only M/s Unitech Amusement Park Limited (a different person) that participated in the initial EoI **(Annexure C-2)**. M/s Unitech Amusement Park Limited did not even fulfil the terms and condition of participation in the EoI, as their net worth **(Annexure C-15)** was found to be less than the Rs. 150 crores **(Annexure C-2)**, the minimum required for participation in the bidding process (It was close to 50 crores

against the 150 crores requirement and M/s Unitech Amusement Park Limited did not have the necessary turnover also for the last three years) **(Annexure C-16)**. The senior standing counsel, Sh. Anupam Gupta also decided to overlook the fact that all the experience mentioned for the project by Unitech was of only M/s Unitech Amusement Park Limited (a different person) and not M/s Unitech Limited.

29) M/s DLF Limited (as noted) in its FAX mentioned as dated November 3, 2006 mentioning that their offer was much higher than any other bidder and that they have offered a sum of 5.5 crores + 13.5% of the total receipt in their bid document. **(Annexure C-17)** However this was not considered and on the contrary the noting of the Advisor expressed his surprise as to how someone could have offered such a high share of revenue. It was decided to accept the low share of 1.1% plus the ground rent and reject the 13.5% offered by bid. The possibility of re-tendering was also not considered and thereafter M/s Unitech Limited was declared as a successful bidder.

30) Subsequent to the rejection of its bid, DLF moved the court, but strangely enough, before the case could be decided, DLF withdrew the petition. It is rumored that one of the senior official/director of DLF had a closed door meeting with the Administrator SF Rodrigues after which the writ was withdrawn and as a settlement DLF was granted major concessions in the property occupied by it in the IT City. A large chunk of land was given to them at most lucrative conditions. This aspect also needs independent verification.

31) That grave breach of trust and cheating was also done by deliberately undervaluing the price of the land and also miscalculating the value of the land for the purpose of calculating the license fee. It was agreed in the letter no 1392 dated 15<sup>th</sup> May 2006 by Director Tourism to Chief Architect that for the zoning plan of the 70 acres, the broad break up has to be done on the basis of (1) Commercial Area – Hotels,

Restaurants, retail, etc. (2) Non-Commercial Area – Green spaces, games/rides areas. (3) FAR. To evaluate the real price of land, a committee of Deputy Commissioner cum Estate Officer, Joint Secretary – Finance, Chief Engineer and Director Tourism was formed **(Annexure C-18 {2 pages})** and the same find mention in the file noting dated July 12, 2006 which was eventually approved by the Administrator SF Rodrigues dated July 14, 2006.

32) That the above mentioned committee met on the same day, i.e. July 12, 2006 and decided that the commercial area of the 73.65 acres be calculated at the rate of 18.75 crores per acres and the other area be calculated at the rate of Rs 3200/- per square yards (or 1.55 crores per acre). For the purpose of calculation of the license fee @ 2.5% of the land value, the committee calculated the license fee with the following formula;

$$[18.75 \text{ (crore Rs.)} \times 5 \text{ (acres)}] + [3200 \text{ (Rs)} \times 332266 \text{ (yards \{i.e. total of 68.65 acres\})}] = 200.07 \text{ crores}$$

License fee @ 2.5% of this was calculated to be Rs.5.0 crores which was later rounded to 5.5 crores after adding other charges. **(Annexure C-9 & 18)** (Bank guarantee documents are also annexed at Annexure C-19 & 20.)

33) That in the above formula for calculating the price of the land by their own standard (and the low rate of land put forward by the committee) was also done wrongly to facilitate transfer of property for much lesser amount. The commercial area was wrongly mentioned as only 5 acres **whereas the actual commercial area of the project is over 14.7 acres**. The actual license fee by their own standards should have been calculated as;

$$[18.75 \text{ (crore Rs.)} \times 14.7 \text{ (acres)}] + [1.55 \text{ (crore Rs)} \times 58.95 \text{ (acres)}] = 366.99 \text{ crores}$$

**License fee @ 2.5% comes out to be around 9.17 crores.**

- 34) That by the abovementioned deliberate miscalculation itself, a loss of about 3.67 crores per annum has been caused. This deliberate wrong calculation in itself result in causing loss of legal fee of nearly 3.67 crores per annum (at their own incorrect low property valuation rate) and about 121 crores in 33 years (without calculating the compounded loss) by most conservative estimates. This is a direct loss caused to the public exchequer and the position of certain public servants having dominion over the property of Chandigarh facilitated the said breach of trust.
- 35) That the above-mentioned 73.65 acres of property in Chandigarh is actually valued at nearly around 2946 crores (@40 crores per acre) and its actual ground rent should have been over 73 crores per annum. That by adopting certain illegalities and committing irregularities in a camouflaged tendering process, certain public servants in association with some others have attempted to transfer the said property for 5.5 crores (+1.1% of receipt) per annum; much higher possible bids were ignored and illegally barred; thereby scheming and causing a loss of nearly 2248 crores to the public exchequer over the period of next 33 years.
- 36) That major concessions were given to the short listed bidders illegally in a strange manner of engaging in a question-answer round of letters. The decisions taken in these question-answer exchanges of mail were major decisions and could not have been taken without proper application of mind and approvals at various levels and could not have been possible without changes in the master plan and the urban planning design of Chandigarh.
- 37) The agreement to transfer the land to M/s Unitech Limited is illegal and amounts to a fraud and criminal breach of trust. The Administrator, public servant and officials who

were entrusted with property and dominion over property in their capacity as public servant(s) have committed breach of trust in respect of the said property.

- 38) That the following public servants (among others) appear to have been involved in the offence of criminal breach of trust;
- a. Sh. S. F. Rodrigues  
(Administrator of Chandigarh – Promoted and approved the project at all stages; seems was fully aware of the design)
  - b. Sh. Lalit Sharma  
(The then Advisor to Administrator – Went through the file on many occasions and also approved the same; seems was fully aware of the design )
  - c. Sh. Krishna Mohan  
(The then Home Secretary, initiator and in charge of the project at all stages; seems was fully aware of the design)
  - d. Sh. S. K. Sandhu  
(The then Finance Secretary to the Chandigarh Administration – Promoted and approved the project at all stages and was fully aware of all aspects of the project; seems was fully aware of the design)
  - e. Sh. R. K. Rao  
(Deputy Commissioner and Estate Officer of Chandigarh)
  - f. Sh. Vivek Atray  
(Director- Information Technology and Director-Tourism who initiated the project and acted as the nodal officer at all stages; seems was fully aware of the design)
  - g. Sh. Manjit Singh Brar  
(Director – Information Technology – Handled the files

on many occasion and attended the meetings on technical evaluation and other; seems was fully aware of the design)

- h. Sh. Bharat Ahuja and other officials of SBI Caps  
(Official consultant of the project and facilitated the same)
  - i. Major Nirvikar Singh  
(ADC to the Governor Punjab – Handled the files on all occasions when it was sent to the Administrator and liaised with all other public servants and bureaucrats in Chandigarh Administration)
  - j. Chief Architect of Chandigarh  
(aware of the design and facilitated the same)
  - k. Joint Secretary – Finance  
(aware of the design and facilitated the same)
  - l. Senior Town Planner  
(aware of the design and facilitated the same)
  - m. Additional Director – Tourism  
(aware of the design and facilitated the same)
  - n. Finance & Planning Officer  
(aware of the design and facilitated the same)
- 39) That the following other individual (among others) appear to have been involved in facilitating the offence of criminal breach of trust by a public servant;
- a. Directors and managers of M/s Unitech Amusement Park Limited
  - b. Directors and managers of M/s Unitech Limited
  - c. Sh. Anupam Gupta  
(Senior Standing Counsel of Chandigarh Administration)

d. Sh. Patrick Kerr

(Rumoured to be close to all stake holders, the officials of Chandigarh Administration, political leadership as well as certain property: exact role needs to be ascertained)

**40) It is absolutely clear that the "Theme Park/Amusement Park/ Entertainment City" project was initiated after a closed meeting between the Administrator, public servants working in Chandigarh Administration (no record about the same is available, even though such a meeting finds a mention) and the officials of Unitech. Thereafter even though M/s Unitech Amusement Park Limited was found to be not eligible still their initial expression of interest was illegally and malignantly considered from M/s Unitech Limited. The experience of M/s Unitech Amusement Park Limited (acting with an entirely different board of directors and managers) was also deceitfully read as that of M/s Unitech Limited. The other eligible bidders were unlawfully eliminated on one pretext or another. The GFR rules were not followed. Even the land for the project was grossly undervalued and even with the undervalued price of the rate, the calculation was wrongly done to benefit M/s Unitech Limited and cause loss to the public exchequer and commit breach of trust.**

41) That an offence of "Criminal breach of trust by public servant," as defined under Section 409 IPC appears to have been committed and to rule out any such a possibility requires credible and independent investigation.

42) That similar offence(s) of criminal breach of trust by public servant also appears to have been taken place in some other projects, including those titled as the newly developed/allotted portions of "IT City" and "Education City," which also needs independent verification. The undersigned is

trying to obtain more information in the regard and as and when more credible information is available, will try to provide complete details on the same too.

As mentioned above, the undersigned while scrutinising documents relating to the "Theme Park/Amusement Park/ Entertainment City" has become aware of the commission of, and the intention of, certain public servants and other persons to commit an offence as defined under Section 409 IPC and so as duty bound under the provisions of Section 39 of the Cr. P.C., the relevant information of such commission and intention has been passed to your lawful authority for such further necessary legal action as may be deemed fit by you in the matter.

Informing you;

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**Place:** Chandigarh

**Date:** January 19, 2009

**C/c: Chief Justice of Punjab and Haryana High Court** – For information with a request to ensure that the information sent under the provisions of Section 39 of Cr.P.C. are lawfully handled; and for developing the necessary administrative mechanism as the superintending court, so as to receive information u/s 39 of Cr.P.C. by all the Magistrate(s) (There appears to be no mechanism and no precedence w.r.t. receiving information u/s 39 of Cr.P.C. in Chandigarh)

**Enclosed:** Copies of relevant documents from Annexure C-1 to Annexure C- 21: A total of 32 pages numbered from 19 to 50.