9.8.23

365/ HPC/ written submission opposing the authority to conduct proceedings in complaint of cognizable offences / HPC and police folder and file

To

Hon. Members of AGRC / HPC

Cc. Forwarding to police department as an abundant precaution as exercising right by any citizen cannot be construed as causing obstruction to discharge of duty.

Duty of every citizen to expose fraud and illegal act of public servants. More so it is duty to expose public servants who hold high positions. **( both Citation Attached)**

DG MAHARASHTRA

DG-ACB

CP- MUMBAI

ADDL CP WEST

DCP ZONE 8

NIRMAL NAGAR POLICE STATION

SRA

MHADA

MC - BMC

PRINCIPAL SECRETARY URBAN DEVELOPMENT

CHIEF SECRETARY

HON. BOMBAY HC

HON. SUPREME COURT

RESPECTED SIRS,

**Written notes of argument**

**SUB: Hearing on 11.8.23 at 2 pm before AGRC at SRA building Bandra E .**

**REG:  Challenging the illegal authority of**

1. **To telephonically call for hearing giving only 48 hours, violating and disobeying the direction of law to give minim 7 days’ notice from the date of hearing which shall have minimum 5 working days in between. (circular dt. 14.7.23 attached)**
2. **AGRC / HPC to conduct hearing in complaint disclosing cognizable offences filed before investigation agency**
3. **Investigation agency to forward the complaint received to HPC/ SRA/ BMC/ SRA/ MHADA and Any other departments in complaints filed disclosing commission of cognizable offences.**
4. **AGRC / HPC passing incorrect and misleading orders without legal authority by violating**
5. **Section 154, 156(2), 157 CRPC.**
6. **Circular dt. 15.11.2007 disclosing the duties and functions of AGRC / HPC. ( copy Attached)**
7. **Hon. Supreme Court judgement that no statutory powers can be delegated to any committee Justice Oka order at para 40**

 ***“cannot constitute committees and entrust the Committees so constituted the power to issue orders to the authorities or to the public and to confer power of the Statutory authorities on such Constituted Committee.”***

**Copy attached**

1. **Lalaitakumari judegment of Hon. Supreme Court 5 Judges Constitution Bench. (Copy Attached)**
2. **AGRC and HPC by violating the above provisions and citations are willfully –deliberately conducting illegal hearing and issuing directions/ giving opinions to investigating agencies are committing offence u/s 166, 167, 217, 218, 219, 409 IPC.**
3. **Any orders passed by any subordinate Court which is in contradiction to the above Supreme Court cannot be implements in other matters as such order becomes im-percurim**

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I am in receipt of telephonic call intimating me about hearing to be held on 11.8.23 at 2 pm on Tuesday with just 48 hours’ notice. Without prejudice to my rights and contentions, and with no intention to cause hurt and injury to anyone and any institution, I submit as under. In the event, if my submission ids incorrect I shall be educated by providing relevant sections and provision of law and Citations which over rule the citations provided by the Complainant:

**Scope of my written arguments**

1. The scope of my written arguments is limited to the following points before I argue on the merits of the case, as the Complainant strongly objects to the procedure and conduct adopted by AGRC / HPC, as the same is defeating the spirit and purpose of public welfare thereby shielding Economic offenders which results in ECONOIC TERRORISM:
2. Whether AGRC/ HPC can overrule the Hon. SC order in Lalaita Kumari judgement?
3. Whether AGRC / HPC can disobey and violate the direction of Hon. SC and Hon. Bombay High Court to enjoy statutory powers to direct public and public authorities, which has been categorically denied to any such constituted committees.
4. Whether AGRC / HPC can cross the jurisdiction of the functions allotted to them vide circular dt. 15.11.2007.
5. Whether the AGRC / HPC can call the accused / witness/ any other persons for hearing, in the complaint disclosing cognizable offences, before registration of FIR and make him aware of the complaint filed against him to facilitate destruction of evidence and undue influence on the witnesses?
6. Whether AGRC/ HPC can defeat the spirit and purpose of section 154, 156(2) 157 CRPC by delaying and prolong the registration of FIR in serious sensitive complaints disclosing commission of cognizable offences for more than a week and facilitate
7. Destruction of evidence
8. Undue influencing of witness
9. Allow the offender to be free for years together and commit more fraud / offences.
10. Whether AGRC/ HPC can travel beyond the scope of their duties and function for which they came into existence?
11. Whether AGRC / HPC can hold closed door hearing and conduct hearing by avoiding / prevent the public from viewing of the proceedings.
12. Whether AGRC / HPC has acted in good faith by willfully and deliberately disobeying the direction of Hon. SC court as mentioned above herein above at a, b & c and by acting beyond the jurisdiction and scope of their functions?
13. Whether AGRC/ HPC can justify the delay for registration of FIR in cognizable offences from the years 2018 to 2023 along with sections and provision of law?
14. Whether AGRC / HPC members have complied with GR 26.11.2018 to provide inspection of the documents every Monday between 3 to 5 Pm. **( copy of the circular Attached)**
15. Whether there is any board fixed in the office of AGRC/ HPC disclosing the day and time reserved for citizens to meet the members of AGRC/ HPC and or any other person without prior appointment. **(attached circular 7.1.2000 and 27.5.2013)**
16. Whether the AGRC / HPC have complied with GOI circular dt. 10.5.2013, 5.2.2014? **( copy attached)**
17. The Complainant intimates the Hon. Forum that the Complainant shall be video recording the proceedings conducted in full public view to assist and promote transparency and accountability. The Complainant has provided the citation and materials relied upon vide the letter dt. 18.4.23.

**Attached is the arguments in favor of the open public view hearing and video recording**

1. The Hon. AGRC/ HPC shall pass a written reasoned order on the above submissions as I strongly feel that this Hon. Forum has no jurisdiction and legal authority to
2. To accept the complaint forwarded by any investigating agency to HPC/ AGRC and / or any other agencies.
3. Call the complainant for hearing in complaints disclosing cognizable offences
4. To pass any direction/ orders directing and / or advising / giving opinion to investigating agencies on matters / complaints disclosing cognizable offences.
5. By conducting such hearing without lawful authority AGRC / HPC is causing prejudice, hurt and injury to the citizens who have filed complaint disclosing cognizable offences and denying them the right to prosecute the offenders who have caused wrongful loss to individual, public at large and / or public authority

**Violation of notice period regulation**

1. Such short notice of 48 hours itself is blatant violation of guidelines which directs at least 7 clear days’ notice.

**Proceedings shall be conducted in full public view and under video recording**

1. I shall be video recording the proceedings. I have attached all circular, citation, and argument in favor of right of every citizen to have video recording of the proceedings.
2. The proceedings shall be conducted in full public view to promote transparency and accountability.

**(Attached letter dt. 18.4.23 para 5.**)

**RTI information not given**

1. The Office of AGRC / HPC have failed to provide the information sought in RTI which was very vital for argument in the hearing dt. 11.8.23

**No provisions for inspection as per GR 26.11.2018**

1. Details of the provisions / facilities made for inspection of documents as per GR 26.11.2018.

Thus it appears to me that your notice to call me and advise ACB is gross violation and contempt of the Hon. Supreme Court Judgement and totally disobeying the direction of CRPC sections 149, 152, 154, 156(2), 157.

1. I shall be grateful if your office can provide me the section and provision in law of CRPC wherein a High Power Committee has authority to direct / advice i/ give opinion to investigating agencies whether to register FIR or not which is totally in violation and in contradictory to

**Prayers**

1. In the above circumstances, a reasoned written order be passed giving acceptance or rejection of each of the issue and objections raised to come to conclusion that AGRC / HPC have legal authority to conduct such proceedings, before hearing the complaint matter on merits . I shall be obliged for this kind act.

With regards