

Complaint No.LA/COM/1396/2022 (T-1)
Smt. Qanees e-Fatemah Sukhrani

Hearing on 18.09.2023

Present : (1) Complainant Smt. Qanees e-Fatemah Sukhrani (Online); (2) Shri Saurabh Rao, Divisional Commissioner, Pune Division, Pune (Online); (3) Shri Rajesh Deshmukh, Collector, Pune (Online); (4) Shri Kiran Indalkar, District Planning Officer, Pune (Online); (5) Third Party viz., Shri Sunil Tingare, MLA along with his Advocate Shri Aseem Sarvade (6) Shri Somnath Bankar, Assistant Commissioner, Pune Municipal Corporation; (7) Shri Sanjay Kolgane, Deputy Commissioner (Planning), Office of the Divisional Commissioner, Pune (Online)

Pursuant to the notice issued by me to the Local MLA Shri Sunil Tingre, he has appeared before me and has filed his say, which is taken on record at Exhibit – E. I have permitted him to argue his case through his lawyer.

2. In the present case, the grievance of the complainant is that though the G.R dated 12th July, 2016 specifically prohibits the MLA from spending funds, which are made available at his disposable for making construction / spending money on public utilities specified in the G.R. of 2016, according to her, the MLA Shri Sunil Tingre has used this amount for construction of internal roads of the society and drainage work inside the Co-operative Housing Society. In his reply, he has not denied that he has done work as alleged by the complainant in the complaint. But he has contended in his reply that the internal roads are also for the benefit of common citizens and so is the case of drainage work and according to

him, therefore, no illegality has been committed by him and the amount has been spent with *bona fide* intention of helping the local residents in the said area. Secondly, he has stated that if the authorities such as Collector and the Divisional Commissioner were of the opinion that the work is not covered by the G.R. of 2016, they could have rejected this proposal. He submitted that only after the proposal was approved by the authorities, his contractor has completed the said work. He submitted that after the complaint was filed by the complainant before me, the Collector and other authorities have not made payment to the contractor, who has done this work.

3. In the present case, the complainant has already filed sufficient documentary evidence on record to show that the Local MLA Shri Sunil Tingre, through his contractor, has done the work of the internal roads in the society and drainage system. The relevant documents of the society for making contractor to do the said work of the society is produced by her and is part of the record. During the course of arguments, the representative of the Collector and the Divisional Commissioner admitted that the work had been done of the internal road and drainage of the society, though in their reply they have not admitted this fact.

4. In my view, the complainant, therefore, has established that the funds made available to the Local MLA Shri Sunil Tingre has been spent on the internal roads and drainage of the society. Perusal of the G.R. No. स्थाविका-०६१६/प्र.क्र.१६/का.१४८२, dated 12th July, 2016 clearly lays down that the funds, which are made available to the MLAs, should

not be spent on the work of private properties including co-operative societies. In my view, therefore, the Collector and the Divisional Commissioner had clearly helped in granting permission to Shri Sunil Tingre in repairing the internal roads and drainage of the society, which is clearly barred by the G.R. of 12.07.2016.

5. The Ld. Counsel appearing on behalf of the third party Shri Sunil Tingre has, however, submitted that recently a new G.R. dated 22.06.2022 has been issued by the Government of Maharashtra, in which the MLA has been permitted to spend the amount given to him on the internal roads of the society.

6. I have perused the G.R. No. स्थाविका-०४२२/प्र.क्र.६२(१)/का.१४८२, dated 22.06.2022. I find that there is no retrospective effect given in the said G.R. for authorizing the work, which has already been done prior to this G.R. I am of the view that this G.R. of 2022 will not be applicable to this case.

7. I, therefore, direct the Divisional Commissioner and the Collector not to disburse the amount to the contractor, who has done this work, which is contrary to the G.R. of 12th July, 2016. In my view, G.R. of 2022 will not be of any assistance to the third party Shri Sunil Tingre.

8. In view of this, I make the following recommendation under Section 12(1) of the Maharashtra Lokayukta and Upa-Lokayuktas Act, 1971 –

(i) The Divisional Commissioner and the Collector are directed not to make any payment to the contractors, who have done this work of internal roads and drainage of the society.

(ii) The Government of Maharashtra is directed to constitute a SIT consisting of Town Planning Expert, Collector and Principal Secretary of Urban Development Department. They shall re-examine the entire issue and other works, which are suggested of public toilets and such other facilities, which are required for the benefits of citizens residing in the area. The Government of Maharashtra shall consider the report of the SIT and issue an appropriate Government Resolution.

(iii) Compliance report shall be submitted within twelve weeks.

(Justice V. M. Kanade)
Lokayukta
18.09.2023