

**REPORT OF THE INQUIRY COMMITTEE CONSTITUTED IN  
PURSUANCE OF BOMBAY HIGH COURT ORDER DATED 29<sup>TH</sup>  
APRIL 2016 IN WP 452/12  
(ON THE ROLE OF DEFENCE OFFICERS IN THE ADARSH  
COOPERATIVE HOUSING SOCIETY CASE)**

**GOVERNMENT OF INDIA  
MINISTRY OF DEFENCE  
VOLUME I**

## **PREFACE**

**Confidential**

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To  
Defence Secretary  
Ministry of Defence  
New Delhi

Sub: Report of the Inquiry Committee set up in pursuance of Bombay High Court Order dated 29<sup>th</sup> April 2016 in WP 452/12

The Ministry of Defence vide its order dated OM No. 712/VIG-III/2010 dated 01 Aug 2016<sup>2</sup> had constituted an Inquiry Committee with Terms of Reference stated in the said order and modified by subsequent order 13020/08/2016/D(Lands) dated 17 Nov 2016. The Committee has duly completed its Inquiry into the role of defence officers in the Adarsh Cooperative Housing Society case as per the Terms of Reference.

2. The Committee wishes to place on record its appreciation for the outstanding work done, valuable inputs and untiring efforts of Smt. Sujatha Gupta, IDES Coordinator and Secretary of the Committee, which greatly facilitated the task of the Committee, made possible its timely execution and considerably enriched the content of the Report.

3. We are grateful for the excellent support extended to the Committee in its work by the Ministry of Defence and all its formations – the officers of the Army and Navy HQ, Director General of Defence Estates (in particular research and secretarial assistance of Chief Executive Officer, Secunderabad Cantonment Board and logistic support of National Institute of Defence Estates Management), HQ Southern Army Command, HQ Western Naval Command, Principal Director Defence Estates Pune, HQ Uttar Maharashtra and Gujarat Area, Commander Mumbai Sub Area and Defence Estates Office Mumbai.

4. The Report of the Committee is submitted herewith.

(Lt Gen Ravi Thodge [retd.])

(Dr. Rajan Katoch, IAS [retd.])

Member

Chairman

New Delhi  
28<sup>th</sup> February 2017

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## **CHRONOLOGY OF EVENTS**

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## HISTORICAL BACKGROUND

No.	DATE	EVENT	REMARKS
1	<a href="#">25 Aug 1821</a>	The Hon'ble Governor in Council declared the whole of the Island of Colaba excluding Old Woman's Island to be a Military Cantonment.	
2	<a href="#">24 May 1911</a>	Government finalised proposal to reclaim 1145 acres of land between Colaba and Back Bay. The Back Bay Reclamation Scheme consisted of 8 blocks i.e. Blocks I to VIII. The Adarsh land is a part of Block VI along with SHO complex which also forms part of Block VI.	
3	<a href="#">1957</a>	According to the Survey of India map of 1957, 300 ft. strip along Block VI of BBRS duly curved to join Block VII at southern end and SHO Complex appears on this curved part of the strip.	It appears from the map that the strip on which the ACHS land was located was in existence before 1957.
4	<a href="#">14 Mar 1958</a>	Government appointed a study group on Greater Bombay headed by Mr. S.G. Barve Secretary to the Government, Public Works Department to consider problems relating to congestion of traffic, deficiency of open spaces, etc.	
5	<a href="#">31 Dec 1958</a>	Government of India transferred 41 acres and 06 Guntas land to Government of Maharashtra for	

		widening of Western Expressway at Santa Cruz and Govt. of Maharashtra agreed to transfer the land in Block VI, Colaba	
6	<a href="#">26 Feb 1959</a>	The Barve Study Group submitted its report and according to the plan appended to it shows a strip of land west of Cuffe Parade road.	This seems to be the land on which Adarsh was constructed
7	<a href="#">21 Jun 1963</a>	HQ M&G and DEO took up with Govt of Maharashtra to transfer the land in Block VI to Ministry of Defence.	
8	<a href="#">11 Feb 1964</a>	Collector informed that land in Block VI cannot be transferred to the Defence Department.	
9	<a href="#">28 May 1975</a>	DEO took up the matter again with the State Government for the transfer of land	
10	<a href="#">11 Jan 1995</a>	DEO again took up the matter with the State Government to convene a meeting for the transfer of the land in lieu of land transferred at Santa Cruz.	Efforts to get land in Block VI transferred to Defence were continuing as late as 1995



## PILOT BUNDER COOPERATIVE HOUSING SOCIETY (PBCHS)

Sl. No.	Date	Event	Remarks
11	<a href="#">27 Jun 1964</a>	Collector, Bombay addresses Commander Bombay Sub Area to confirm that military authorities would have no objection to the land for PBCHS being leased for residential accommodation of ex-service officers and that the military authorities will allow suitable access to the land from Pilot Bunder road through the military roads.	PBCHS was situated on a patch of land, said to be foreshore land belonging to the State Government, but it was completely surrounded by Colaba Military Station
12	<a href="#">02 Mar 1965</a>	Chairman of Pilot Bunder Co-operative Housing Society in a letter addressed to the Sub area Commander requests access road to their buildings as the society was ready to start the work.	Senior naval and military officers headed by the retired Rear Adm Karmakar and including the then Sub Area Commander were members of the Society
13	<a href="#">05 Mar 1965</a>	Commander Bombay Sub area issues no objection for granting access though the defence department land for bonafide members of Pilot Bunder Co-operative Housing Society Ltd.	Audit subsequently held that he was not the competent

		consisting of defence services officers and other civilian officials as accepted by the state government/ members of society.	authority to do so
14	<a href="#">17 Jun 1965</a>	Municipal Commissioner Greater Bombay issued commencement certificate to the Pilot Bunder Co-operative Housing Society to the development work of proposed building.	
15	<a href="#">22 Mar 1965</a>	<p>Following areas were encroached by the Society without proper permission by Defence Authorities.</p> <p>Area under encroachment by road of 4310 Sq.Ft.(479 sq yards)</p> <p>Area under encroachment below which underground sewage line has been held of 115.06 sq ft(12.79 square yard)</p> <p>Area below which water supply mains have been laid of 70.85 sq ft(7.87 yards)</p> <p>Area below which electric cables have been laid of 29.34 sq ft (3.26 yards)</p>	
16	<a href="#">07 Mar 1967</a>	Government of Maharashtra leased an area admeasuring 4841.66 Sq yards in C.S.No.3/600 at Colaba Division to the Pilot Bunder Co-operative Housing Society Ltd. for construction of residential flats.	
17	<a href="#">27 Aug 1968</a>	MEO B&G Circle, Bombay addresses letter to Station Hqrs, Colaba, Bombay	No objection was raised by

		about encroachment on defence land by PBCHS for construction of road without permission	the Sub Area at any time to the construction and encroachment
18	<a href="#">14 Sep 1968</a>	Pilot Bunder Co-operative Housing Society writes to MEO, Bombay and Gujarat Circle for regularisation of already constructed approach road on defence land	
19	<a href="#">25 Sep 1968</a>	Bombay Sub Area, referring their letter dated 05.03.1965, stated that sanction of Govt. of India is required for the use of access road and that the Society is required to submit a formal application to the M.E.O.	
20	<a href="#">20 Jan 1969</a>	Dy. Director, Military Lands and Cantonment, HQ Southern Command Pune requests MOD for regularisation of approach road by Pilot Bunder Co-operative Housing Society.	Audit observed that the effort of the LMA was to regularize the encroachment by PBCHS, and not to fix responsibility
21	<a href="#">31 Oct 1977</a>	Defence Estates Office wrote to Dy. Director, ML&C HQ Southern Command Pune that reply to CAG query could not be given as no correspondence on the subject has taken place after August 1969 and therefore, that office was not aware as to whether any lease has been granted to Co-operative Housing Society of Oyster and Dolphin	

		apartments	
22	<a href="#">20 Mar 1978</a>	Station HQ addresses Chairman, Pilot Bunder Society claiming a sum of Rs. 4,19,716/- as lease rent from 1967 to 1977 for use of the approach road.	
23	<a href="#">15 May 1980</a>	Government of India, Ministry of Defence issues sanction for use of Defence land measuring 850 sq. yards forming part of the Defence land at Colaba Bombay by the Pilot Bunder Co-operative housing Society at Colaba, Bombay as access road to their housing.	Case became an important precedent which is likely to have influenced the course of action in the case of ACHS

**ADARSH COOPERATIVE HOUSING SOCIETY (ACHS)**

SL. NO.	DATE	EVENT	REMARKS
24	<a href="#">30 Dec 1983</a>	Collector of Bombay addressed a letter to Station Cell Mumbai in connection with a road widening proposal stated that a piece of land adjoining Cuffe Parade and near BEST Bus Depot is in possession of Army and requested to produce documentary evidence.	The land being referred to was the land on which Adarsh was built. Letter acknowledges possession of land by Army.
25	<a href="#">13 Jan 1984</a>	Station Headquarters, Bombay in their letter addressed to Collector Bombay stated that on either side adjoining bus depot is defence land and is in occupation of Army since long and it is being used as training area that it has been kept vacant and the area has been fenced to prevent encroachment.	
26	<a href="#">21 Nov 1986</a>	The Collector, Bombay in a communication issued in connection with proposal of transfer of land to Mumbai Sainik city welfare office for guest house enquired from the Dy. Engineer, South Sub-division about the ownership of the land in question. The Dy. Engineer, South Sub-division vide his letter dated 21-11-1986 informed that the facts on ownership of the land are not available in their records.	

27	<a href="#">17 Jun 1987</a>	Request for allotment of land in Colaba, Block VI, by Brig. D.J. Mudholkar from Army, Rear Adm. S. W. Lakhkar from Navy and Air Vice Marshal M.W. Takle from Air Force as promoters of Armed forces Co-operative Housing Society was not considered favourably as it was not felt to be desirable to delete public reservations for D.P. Road widening in favour of a private Co-operative Housing Society floated by armed forces personnel or any other group.	
28	<a href="#">13 Oct 1988</a>	Minister of General Administration, Govt. of Maharashtra in a letter addressed to Commander, Sub-Area stated "present boundary wall constructed by you near road side of Ganesh Murthi Nagar No. II should not be shifted..... The land from the boundary wall to the hutments is Military land and it will not be used by the slum dwellers..... As per the discussion this land will be developed for garden purposes.	
29	<a href="#">08 Nov 1988</a>	Station Commander, Bombay vide letter dated addressed to M&G Area stated that a wall was being constructed on the subject land and being developed into a park as accepted by the Hon'ble Minister for General Administration, Govt. Of Maharashtra.	

30	<a href="#">10 Dec 1989</a>	Collector of Bombay vide his letter dated addressed to the Additional Chief Secretary, Revenue and Forest department, Government of Maharashtra with reference to request for grant of 1000 sq.mtr. land between BEST and Parade Road for construction of rest house stated that land in question is in the possession of the Military department since 1940.	The land being referred to was the land on which Adarsh was built. Letter acknowledges long possession of land by Army.
31	<a href="#">06 Aug 1994</a>	Letter by Shri R.C. Thakur (a serving sub-divisional officer of the Defence Estates Office, Mumbai, who was also the chief promoter of the Adarsh Cooperative Housing Society) to the Chief Minister of Maharashtra requesting for allotment of land in C.S. No 4/600 measuring 8300 Sqm adjacent to Oyster & Dolphin buildings.	This is the first request by the ACHS as an entity. Brig Wanchu was the President and Shri RC Thakur was the “chief promoter” of the yet unregistered Society. Land asked for was adjacent to PBCHS, and sought to build on the precedent.
32	<a href="#">06 Jan 1995</a>	Letter from Shri R.C. Thakur to the Principal Secretary, Law & Judiciary Department, Government of Maharashtra wherein it was stated that the land in C.S.No 4/600 was	

		surrounded by the defence area and the Government of Maharashtra may not be able to use the said land for any commercial or other purpose	
33	<a href="#">04 Sep 1996</a>	The Society's request for allotment of the land situated in C.S. No 4/600 was not accepted by the Government of Maharashtra and the Collector, Mumbai City and informed the Under Secretary R&FD with a copy marked to Brig. Wanchu that in view of the CRZ notification dt.19-02-1991 issued by the Ministry of Environment and Forests (MoEF), no construction could be made upon the land falling within 500 mtrs from the High Tide Line and therefore the land applied for by the Adarsh CHS could not be allotted to it.	
34	<a href="#">27 Oct 1996</a>	A wall was constructed by Military Engineering Services (MES) around the plot of land in question that was under occupation of army and subsequently allotted to ACHS. This plot of land had been converted into "Khukri Park" and was inaugurated by Maj. General B.A. Cariappa, then the General Officer Commanding (GOC), Mumbai Area. The park was fenced by a boundary wall with a gate constructed by the Military Engineering Services.	LMA strengthened its occupation of land in question.
35	<a href="#">03 Sep 1997</a>	Ministry of Defence issued directions on alienation of defence lands	This letter/ directions issued



		wherein it was stated that no transfer/alienation of defence lands shall take place without prior cabinet approval.	therein were never referred to by any authority at any point of time in the consideration of land allotment to ACHS.
36	<a href="#">16 Oct 1997</a>	Staff Officer (Lands) in Station HQ, Colaba, Mumbai addressed a letter to DEO, Mumbai to forward half yearly progress report on regularisation of land under unauthorised occupation of the Army in a format prescribed and attached by them.	
37	<a href="#">07 Nov 1997</a>	DEO Mumbai Circle letter to Station Cell stated that 'there is no private land under unauthorised occupation of Army in Mumbai. However, a pocket of State Government land in Block VI of Colaba Division is in unauthorised occupation by 8 Garh Rif in the form of a garden.'	No such record is available in the office of DEO, Mumbai to indicate that it is a State Government land.
38	<a href="#">24 Nov 1997</a>	SO Lands forwarded a copy of DEO, Mumbai letter dated 07.11.1997 to HQ, Mumbai Sub Area.	
39	<a href="#">03 Dec 1997</a> <a href="#">15 Dec 1997</a> <a href="#">30 Dec 1997</a> <a href="#">12 Feb 1998</a>	Reminders were sent by Station HQ, Colaba, Mumbai to DEO, Mumbai Circle for forwarding the report on land under unauthorised occupation of the Army in the prescribed format.	

40	<a href="#">15 Jun 1998</a>	Civil Military Liaison Conference (CMLC) held between Army Commander and Chief Secretary of Maharashtra State.	
41	<a href="#">16 Jun 1998</a>	Station HQ, Colaba, Mumbai in a letter addressed to DEO, Mumbai Circle requested to confirm the status of land in Block VI referring to a decision taken by Army Commander and Chief Secretary of Maharashtra State in CMLC held on 15.06.1998	Minutes of CMLC dated 15.06.1998 do not mention about any such decision.
42	<a href="#">16 Jun 1998</a>	DEO, Mumbai Circle on the same day replied that "it is confirmed land mentioned in para 1 of your letter cited above is owned by State Government and the same falls under Block VI. A sketch showing the Block No. VI is forwarded herewith as desired".	
43	<a href="#">20 Jul 1998</a> <a href="#">23 Feb 1999</a> <a href="#">02 Aug 1999</a>	Demand for allotment of land in revenue Sy No. 600, adjacent to Oyster and Dolphin buildings of the Pilot Bunder Cooperative Housing Society was reiterated by Shri RC Thakur, chief promoter of ACHS.	
44	<a href="#">19 Aug 1999</a>	Principal Secretary Urban Development Dept., Government of Maharashtra letter to secretary MOEF (fwd letter of ACHS dt 02 Aug 1999).... 'members of Society are officers from defence forces who have dedicated their lives in service of motherland & several members of Society are even	There was no reservation for Kargil heroes in the Articles of ACHS, as per the finding of Patil Commission (paras 21.1 &

		today fighting at Kargil & surrounding areas....NOC be considered as a special case.' .	21.2)
45	<a href="#">09 Sep 1999</a>	The proposal for allotment of land in revenue Sy No. 600, adjacent to Oyster and Dolphin buildings of the Pilot Bunder Cooperative Housing Society was again rejected by MOEF.	
46	<a href="#">21 Sep 1999</a> <a href="#">03 Jan 2000</a>	Adarsh Cooperative Housing Society addressed a letter to the Chief Minister, Maharashtra requesting for allotment of a specific plot of land admeasuring 3854 sq mtrs of land out of Block VI of Backbay Reclamation Scheme. It was stated that the requested land was duly fenced with a compound wall and is in physical possession of the Local Military authorities. It was further stated that the Society negotiated with the LMA who have expressed their willingness to allow the Society to go ahead with the project if certain amount of accommodation is also provided for Army welfare. i.e., Girls Hostel who will be female children of Army officers serving in the far flung remote and field areas.	Specific plot of land then occupied by LMA was requested for the first time by ACHS; this was the plot which finally got allotted to them. The exact measurement details indicates access to records.
47	<a href="#">13 Jan 2000</a>	ACHS in its letter addressed to the Revenue Minister, Govt of Maharashtra reiterated the contents of its letter dated 21.9.1999 addressed to the Chief Minister Maharashtra.	

48	<a href="#">07 Feb 2000</a>	Chief promoter of Adarsh Society in his letter addressed to Chief Minister of Maharashtra again stated that the land in question is duly fenced and is in possession of Local Military authorities. ACHS also insisted not to widen Cuffe Parade road as planned in Mumbai Metropolitan Region Development Authority Development Plan 1981-2001. Society submits proposal to the Chief Minister of Maharashtra for allotment of 3854 Sq.Mtrs of land in Block VI Backbay Reclamation for construction of a residential building.	
49	19 Feb 2000	Chief Minister marked the Society's proposal to Principal Secretary (Revenue), Revenue and Forest department (RFD), Government of Maharashtra with instructions to call for the proposal and put up.	Refer to para 27 and para 123 of Patil commission report- Part-II
50	<a href="#">06 Mar 2000</a>	Revenue and Forest Department, Government of Maharashtra forwarded the Society's proposal to the Collector, Mumbai city for self-explanatory report.	
51	<a href="#">08 Mar 2000</a>	Society submitted proposal to Chief Minister of Maharashtra stating that the land is in physical possession of Local Military authorities ... negotiated with Local Military authorities, who have expressed willingness to allow the Society to go ahead with the project.....'	Indicates prior understanding reached with LMA for transfer of the land to ACHS

52	<a href="#">27 Mar 2000</a>	The site was inspected by Collector; it was indicated that the land was in possession of Army.	
53	<a href="#">29 Mar 2000</a>	The Collector Mumbai addressed a letter to the GOC, HQ Maharashtra Gujarat & Goa (MG & G Area) requesting confirmation that there was no objection to allot the requested land to Adarsh.	
54	<a href="#">30 Mar 2000</a>	Letter from HQ, MG & G Area addressed to DEO to confirm status of the requested land by 01 April 2000.	
55	<a href="#">30 Mar 2000</a>	The DEO confirmed to the HQ, MG & G Area that the requested land formed part of Block VI of Colaba Division (Backbay Reclamation Scheme-VI) belonged to State Govt of Maharashtra and fell outside the defence boundary.	Unusually rapid sequence of events
56	<a href="#">05 Apr 2000</a>	Letter from HQ, MG & G Area addressed to Collector, Mumbai informing him that the requested land fell outside the defence boundary and action may be taken as deemed fit for the welfare of service personnel/ex-servicemen/their widows".	This was the critical step – the NOC of LMA which enabled the plot of land to be eventually allotted and handed over to ACHS.
57	<a href="#">10 Apr 2000</a>	ACHS letter 10 Apr 2000 to Collector Mumbai forwarded NOC-.... 'possession of site can be taken over from Local Military authorities after same is allotted to our Society by	

		State Government...'	
58	<a href="#">10 Apr 2000</a>	ACHS submitted First list of 41 members to the Collector, Mumbai for approval.	Apart from the promoters, the first included names of the then DEO , son of the GOC, Sub-Area Commander
59	<a href="#">12 May 2000</a>	Collector informed Revenue and Forest Department that the land is reserved for road widening as per MMRDA's development plan; therefore NOC from Municipal Corporation of Greater Mumbai and approval of MMRDA should be taken; membership should be approved by the Government and occupancy charges at 20 per cent of Market rate as on 1st January of the year in which the allotment is made is leviable.	
60	<a href="#">02 Jun 2000</a>	Society in its letter dated 02 Jun 2000 accepts in writing to accommodate 40 per cent civilians as discussed in a meeting on the same day with Shri Ashok Chavan Revenue Minister. The Society requested his help to reward and accommodate the Kargil heroes. The Minister marked the Society's request to Secretary RFD.	
61	<a href="#">02 Jun 2000</a>	ACHS addressed a letter to the Chief Minister, Maharashtra stating that the	

		allotment of the requested land would be a kind gesture towards serving and retired officers of defence services more particularly Kargil war heroes. It was stated therein that the possession of the requested land was with the Army for the last 25-30 years	
62	<a href="#">03 Jun 2000</a>	Government of Maharashtra sanctioned the revised development plan and notified the same inviting objections / suggestions from public. Land allotted to Adarsh in this residence zone.	
63	<a href="#">03 Aug 2000</a>	ACHS letter to CM Maharashtra-... 'concluded one year of Kargil operation...want to inform our members who struggled in the operation about good gesture of government of Maharashtra... subject land... already in possession of Local Military authorities... road widening plan of Cuffe Parade road be terminated where jurisdiction of civil area ends i.e., upto Backbay depot entry point.....beyond it would affect strategic installation already existing in military area...sufficient to meet traffic need of Defence population..'	
64	<a href="#">28 Feb 2001</a>	Government of Maharashtra directed MMRDA to initiate modification to the development plan by taking recourse to the provisions of Section 37 of MRTP Act for reducing the width of Captain Prakash Pethe Marg which	

		was marked for road widening.	
65	<a href="#">10 Apr 2002</a>	Urban Development Department (UDD) approved modifications by deletion of 60.97 metres wide road leading to south Colaba Harbour link and changing width of Captain Prakash Pethe Marg from 60.97 metres to 18.40 metres.	
66	<a href="#">07 May 2002</a>	Station Cell Colaba letter to 101 Inf Bn (TA) directing that for responsibility of maintenance of Khukri Park they needed to forward monthly certificate that there is no illegal encroachment on the said defence land.	
67	<a href="#">23 Aug 2002</a>	ACHS submitted second list of 71 members to the Collector, Mumbai for approval.	
68	<a href="#">05 Oct 2002</a>	Urban Development Department (UDD), Mumbai addressed to The Secretary, Ministry of Environment & Forests regarding Development permission on land deleted 60.96 mt. To 18.40 mt. Road for residential purposes. BBR Block III to VI, Adarsh CHS.	
69	<a href="#">18 Jan 2003</a>	Government of Maharashtra, Revenue & Forest Dept. letter of intent to Mr RC Thakur, Chief promoter ACHS - '.....wishes to approve to give to ACHS, the land under possession of the defence dept. of area of about 3758.22 sq mtrs near	



		Plot no 87C in BBR Block VI.....'	
70	<a href="#">11 Mar 2003</a>	Letter from Joint Director MOEF to Deputy Secretary, Urban Development Department, Government of Maharashtra ....'proposed residential complex falls within CRZ II area... Ministry has delegated powers to State Government..'	
71	<a href="#">15 Mar 2003</a>	Interpreting this letter dated 11 Mar 2003 from MoEF as a 'No Objection' certificate, Deputy Secretary Urban Development Department informed Municipal Corporation of Greater Mumbai (MCGM) that MOEF had communicated 'No Objection' to residential development in the CRZ II by the Society.	
72	<a href="#">17 Mar 2003</a>	The Society wrote to Minister of State for Urban Development, Government of Maharashtra for allotment of additional FSI of the adjoining plot used by Brihan-Mumbai electric supply & transport undertaking (BEST) as approach road, as it was finding it difficult to accommodate all the 71 members already approved by the government.	Letter dated 12 July 2004 enclosed as the contents of the letter are same.
73	<a href="#">17 Mar 2003</a>	ACHS submitted third list of 95 members to the Collector, Mumbai for approval.	
74	<a href="#">16 Jun 2003</a>	Letter written by DEO to Collector Mumbai with reference to joint	

		survey due to ambiguity in title of land & security concerns.	
75	<a href="#">16 Jun 2003</a>	Defence Estate Officer's letter to District Collector, Mumbai conveying certain facts against the proposal to allot land for ACHS for construction of multi storeyed residential building at Block VI/VII in Colaba adjacent to the Backbay bus stand/Army POL depot.	Official objection by DEO to allotment of land to ACHS
76	<a href="#">26 Jun 2003</a>	Joint Secretary and Chief Vigilance Officer (JS & CVO), Ministry of Defence addressed a letter to DG DE regarding a serious complaint received on proposed land transaction in Block VI, Colaba, Mumbai requesting for a discreet inquiry into the issue.	
77	<a href="#">02 Jul 2003</a>	DEO, Mumbai Circle writes to Collector Mumbai for a joint survey due to ambiguity in title of land & security concerns.	
78	<a href="#">04 Jul 2003</a>	Letter by HQ Mumbai Sub Area to DEO Mumbai stating Sub Area not aware of any document which states that park not on defence land - land under physical possession of Army & ownership not questioned by any authority till date - in case land did not belong to Military, bus depot would have been constructed on the land or expanded over it by now. DEO to forward relevant land document by 10 Jul 2003.	Commander, MSA supports the objections raised by DEO, Mumbai against the transfer of land.

79	<a href="#">12 Jul 2003</a>	<p>Letter of HQ MG &amp; G Area to HQ Mumbai Sub Area including Station Cell &amp; DEO -.... 'jurisdiction of DEO to correspond on subject not understood....especially since DEO has given opinion on the subject on 30 Mar 2000..... With the merging of Station Cell with Mumbai Sub Area, Station Commander &amp; Sub Area Commander being same, land matters are dealt directly between Mumbai Sub Area (Stn Cell) &amp; HQ MG &amp; G Area. This is especially so as land records are held with this HQ. Any communication on this subject with DEO or any outside agency will be either initiated by or approved by HQ MG &amp; G Area...'</p>	<p>Commander MSA restrained from expressing view that land in question was defence land</p>
80	<a href="#">14 Jul 2003</a> <a href="#">25 Jul 2003</a>	<p>Letters written by DEO addressed to HQ MG &amp; G Area &amp; copy to PDDE &amp; DGDE</p> <ul style="list-style-type: none"> <li>- object to allotment of prime land – land be negotiated as per 1958 sanction of MoD/Government of Maharashtra</li> <li>- withdrawal of NOC in organisation interest</li> <li>- ACHS not exclusive defence entity</li> <li>- Building security threat</li> <li>- Existing park - area worth approx Rs. 49 crores</li> </ul>	

81	<a href="#">22 Jul 2003</a>	Letter of Station Cell Mumbai to HQ MG &G Area-...'land in Block VI belongs to Government of Maharashtra, hence involvement of either Local Military authorities or DEO is not understood. There is no record to hold that the land belongs to Defence...'	Cdr MSA/Station Cell backtracks
82	<a href="#">23 Jul 2003</a>	Letter written by HQ MG&G Area to DEO Mumbai stating land in Block VI belongs to Government of Maharashtra & records if any to the contrary, be forwarded to Area.	
83	<a href="#">04 Aug 2003</a>	Letter written by HQ MG &G Area to PDDE SC stating that 'as the land has neither been acquired, hired or requisitioned for the Army, Local Military authorities has no jurisdiction nor any involvement in it – land belongs to Government of Maharashtra and not to Defence Department'	Strong advocacy of ACHS position by GOC
84	<a href="#">05 Aug 2003</a>	Letter of PDDE SC addressed to DGDE & copy to DEO Mumbai  DEO has diluted issue of exchange of land in lieu of land at Santa Cruz by focusing on land proposed to be allotted to ACHS  Land in Block VI belongs to state government - within right to allot land to ACHS  DEO not to take unilateral action	

		without consulting higher authorities on sensitive issues of this nature	
85	<a href="#">06 Aug 2003</a>	<p>Letter of HQ MG &amp;G Area addressed to HQ SC in response to an anonymous complaint</p> <p>Land does not belong to Army and is property of Government of Maharashtra,</p> <p>Portion of land left vacant in front of BEST to widen road to 200 ft &amp; link it to Uran</p> <p>Area on outer periphery of Military station, maintained by Local Military Authorities to prevent encroachments &amp; maintain cleanliness</p> <p>Complaint baseless</p>	
86	<a href="#">06 Aug 2003</a>	DG DE issued a show cause notice to Shri R.C. Thakur for failing to inform the Govt. within a period of 01 month under sub rule 2(e) of Rule 15 of CCS (Conduct) Rules for actively involving himself as Chief promoter of ACHS.	
87	<a href="#">19 Aug 2003</a>	Shri R.C. Thakur submitted a reply that Adarsh Cooperative Housing Society has not yet been registered and therefore, provisions of Rule 15 of CCS (Conduct) Rules are not attracted.	
88	<a href="#">26 Sep 2003</a>	DGDE issued another notice dated 26.09.2003 rejecting the contention of Shri R.C. Thakur.	

89	<a href="#">13 Dec 2003</a>	Information given for Reply of Parliament Question by HQ MG &G Area, SO (land)) to HQ SC that “- ....’subject land has never been/is not under occupation of the Army”	Knowingly false information given for reply to Parliament Question; at the time, the land was still under occupation of the Army.
90	<a href="#">13 Dec 2003</a>	In the above context, HQ, Southern Command, Pune writes to Army HQ, QMG Branch confirming that the subject land has never been/is not under the occupation of the Army.	Reply was approved by HQrs , SC.
91	<a href="#">17 Dec 2003</a>	QMG’s Branch LWE writes to Ministry of Defence confirming that the subject land has never been/is not under the occupation of the Army.	
92	<a href="#">06 Jan 2004</a>	Minister of State for Urban Development Department informed the ACHS that the said land was reserved for BEST depot in the BBRS and therefore it was not permissible under the provisions of the DCR to use the FSI of that land on the adjoining land, the ACHS’s request was therefore rejected	
93	<a href="#">08 Mar 2004</a>	In a letter to CVO, Ministry of Defence, the DGDE made scathing indictment of HQ MG &G Area & SDO RC Thakur  ACHS land under occupation of Army	Records do not reveal any remedial measures initiated on the serious concerns

		<p>since 70s</p> <p>NOC given since 'senior uniformed officers' had become members of the Society – set back to transfer of Block VI to MoD by State Government</p> <p>Security concerns of building</p> <p>RC Thakur in association with Local politician was Chief promoter – tampering of land records not ruled out</p> <p>State government cannot unilaterally withdraw from agreement to transfer land in Block VI (after Reclamation) in lieu of Santa Cruz land</p>	pointed out.
94	<a href="#">25 May 2004</a>	<p>Letter written by HQ SC addressed to ADG, LWE</p> <p>Land in question in Block VI allotted to &amp; reclaimed by BEST</p> <p>BEST left strip of land in front of depot for construction of 200 ft wide road from Nariman Point to Uran. Later included as part of residence zone in Government of Maharashtra development plan.</p> <p>To prevent encroachment &amp; ensure hygienic environment, trees planted by Local Military authorities in mid 90s</p> <p>Land is not A1 Def land – belongs to Government of Maharashtra &amp; is not inside Military Area of Colaba</p>	<p>Army Commander not a member/beneficiary, but defends proposed allotment to ACHS. The then COAS was a member of ACHS.</p>

		Some persons from Defence Estate Department unable to seek membership, resorting to anonymous letters & pr from media	
95	<a href="#">02 Jun 2004</a>	DGDE sent a note to JS & CVO, MoD that grant of NOC in the Land in Block – VI, Colaba was not by Sh. R.C. Thakur but was given by the Army authorities although he may have been instrumental in assisting army authorities in giving the NOC and proposed to keep Shri R.C. Thakur away from Mumbai.	
96	<a href="#">11 Jun 2004</a>	MoD asked DG DE to furnish the outcome of investigation into role of Shri R.C Thakur in the issue of 'NOC' for the land in Block VI	No record of any further progress thereafter.
97	<a href="#">09 Jul 2004</a>	Government of Maharashtra Revenue & Forest Dept. Letter addressed to Collector Mumbai - _____ '...approval is given on ownership basis, the land measuring about 3758.82 sq mtrs (3824.43) near plot no 87C in BBR Block VI, which is at present in possession of Defence Department, to ACHS.....'	Allotment letter. Indicates that the CS no did not exist even at the time of allotment
98	<a href="#">09 Jul 2004</a>	Government of Maharashtra accorded sanction for allotment of land to the Society levying occupancy charges of Rs.10.19 crore. List of 20 members approved by the Government was also enclosed with the sanction	



99	<a href="#">12 Jul 2004</a>	The Society wrote to Chief Minister of Maharashtra and Minister of State for Urban Development for additional FSI of the adjacent plot used by BEST as approach road to Backbay Reclamation Depot.	
100	<a href="#">13 Jul 2004</a>	Request for allotment of addition FSI to ACHS by Kanhaiyalal Gidwani referring to society's letter dated 12 Jul 2004	
101	<a href="#">14 Jul 2004</a>	Meeting held by Minister of State for Urban Development for discussing the request of the Society for additional FSI in which Principal Secretary Urban Development Department stated that the land was reserved for BEST bus depot and was being used by BEST as access to the depot, so it was not possible to allot the FSI of the reserved plot to the Society. The Society was therefore asked to approach the Government to de-reserve the plot by following the normal procedure which would take at least six months.	
102	<a href="#">19 Jul 2004</a>	ACHS addressed a letter to Collector, Revenue and Forest Department for issuing the corrigendum in the letter of approval for correcting the land area from 375.82 sq.mtrs and for deleting the words that the land was in possession of Defence Department.	
103	<a href="#">28 Jul 2004</a>	The State Government set up a 'High	

		Rise Committee' to scrutinize development proposals of all buildings having height more than 70 meters.	
104	<a href="#">16 Aug 2004</a>	The Revenue and Forest Department issued a corrigendum to the letter of approval by correcting area of the land in question from 375.82 sq. mtrs. to 3758.82 sq mtrs. and deleting the words that the land was in possession of the Defence Department.	Effort to play down the fact of possession by Defence Department
105	<a href="#">28 Sep 2004</a>	Adarsh Co-operative Housing Society was formally registered.	After the allotment of land to it
106	<a href="#">29 Sep 2004</a>	HQ. Southern Command, Pune addressed a letter to HQ MG &G Area seeking its comments on the security concerns raised by the DGDE.	
107	<a href="#">30 Sep 2004</a>	HQ MG &G Area asked for comments of the HQ. Mumbai Sub-Area (station cell), its Subordinate Headquarters, on the security concerns raised by the DGDE.	
108	<a href="#">30 Sep 2004</a>	HQ, Mumbai Sub-Area (station cell) replied to HQ MG &G Area stating that there were no security implications for the Military Cantonment.	Both Area Commander and Sub Area Commander take position that there is no security implication

109	<a href="#">30 Sep 2004</a>	HQ MG &G Area replied to HQ, Southern Command, Pune stating that there were no security implications viz. the requested land.	
110	<a href="#">04 Oct 2004</a>	The plot was handed over to the Society.	
111	<a href="#">30 Oct 2004</a>	Urban Development Department called for the comments of BEST on the Society's request for allotment of additional FSI of the adjacent plot.	
112	<a href="#">22 Nov 2004</a>	The Adarsh plot was recorded in the Government of Maharashtra's land revenue records for the first time, and CS No. 652 was assigned.	
113	<a href="#">07 Dec 2004</a>	Assistant General Manager (Civil) and Additional GM of BEST opined that the land should be out of purview of any allotment/reservation and should be retained as access to the BEST depot.	
114	<a href="#">15 Dec 2004</a>	In a meeting held by Minister of state for Urban Development at Nagpur, representative of BEST indicated that BEST would not give NOC as requested by the Principal Secretary (Revenue) for de-reservation of the land.	
115	05 Jan 2005	In a meeting held in the chamber of Minister of State of Urban Development, Principal Secretary Urban Development Department stated that the land belonged to the	Refer Para 92 page no. 23 of PAC report.

		State Government and if it is to be allotted to BEST, it would be required to bear the cost of land at the current market rate.	
116	11 Jan 2005	BEST decided to leave the decision to the State Government regarding the issue of allotment of the FSI of the plot but requested that the interest of BEST be protected by maintaining present status of access without any encroachment on the plot.	
117	15 Feb 2005	The State Government amended the GR of 09.07.1999 raising the income limit for eligibility to all and waiving the requirement of domicile in respect of serving Defence personnel and ex-service men belonging to Maharashtra, retired State Government employees and officers appointed to the Government of Maharashtra.	
118	05 Apr 2005	Approval of additional grant of FSI of the adjoining BEST to ACHS subject to certain conditions	Refer Para No.46/ page no. 216 of Patil commission report/Volume- I/ Part-II
119	<a href="#">11 Jul 2005</a>	The Mumbai Metropolitan Region Development Authority (MMRDA) addressed a letter to Team One Architects (i) Pvt. Ltd., ("Team One Architects") the Architects of Adarsh, viz. The proposed construction of a residential building on the Adarsh plot stating:	

		<p>“the plot under reference is very close to the Defence Area known as Navy Nagar and the proposed height of the building is 54.9m. Hence the clearance from the Defence Department (Navy Department) be obtained from security point of view and the same is not submitted”</p>	
120	<a href="#">13 Jul 2005</a>	<p>Team One Architects addressed a letter to the Chief Town &amp; Country Planner, MMRDA viz. The requirement of the NOC from the security point of view that the plot falls in the Block VI of Colaba Division, where Defense Department owns no land. There are already high-rise buildings in the vicinity like IDBI towers, world trade centre etc. In the light of this NOC from Defence authorities should not be insisted upon.</p>	
121	<a href="#">05 Aug 2005</a>	<p>Government of Maharashtra allowed the additional FSI of the adjoining land used by BEST to the Society.</p>	
122	<a href="#">06 Sep 2005</a>	<p>The MMRDA addressed a letter to the Executive Engineer, building proposals, MCGM, wherein it enclosed commencement certificate viz. Permission for construction up to the plinth level. One of the conditions therein was that NOC from the Army Department shall be obtained before seeking approval above the plinth</p>	

		level.	
123	<a href="#">6 Sep 2005</a>	MMRDA deducted 15 per cent FSI for Recreation Ground while approving the building plan of the Society	
124	<a href="#">06 Sep 2005</a>	MMRDA issued commencement certificate up to plinth level.	
125	<a href="#">12 Nov 2005</a>	HQ MG &G Area addressed a letter to the Collector, Mumbai asserting that since the high rise building on the Adarsh plot would overlook important Army units its location had security implications and a list of the members and office bearers of Adarsh be provided at the earliest.	Concern expressed over security implications not pursued. Area Commander became member of the Society.
126	<a href="#">11 Jun 2007</a>	MMRDA forwarded commencement certificate to MCGM up to four floors.	
127	<a href="#">01 Sep 2007</a>	High-rise Committee issues NOC for 3rd to 27th upper floors with a height of 97.60 metres up to terrace floor level (stilt+ 2 level podium + 1st and 2nd floor for commercial use + 3rd to 27th upper residential floors)	
128	<a href="#">22 Jan 2008</a>	MMRDA issued commencement certificate issued for stilt + two level podium + 27 upper floors	
129	<a href="#">02 Jan 2009</a>	The Society approached MMRDA to grant FSI in lieu of 15 per cent FSI for recreation ground deducted by MMRDA.	
130	<a href="#">24 Mar 2009</a>	MMRDA took up the case with Urban Development Department for approval to exclude the 15 per cent	

		deduction on account of recreation ground.	
131	<a href="#">20 Jul 2009</a>	Urban Development Department approved the proposal to exclude the 15 per cent deduction on account of recreation ground.	
132	<a href="#">27 Aug 2009</a> <a href="#">15 Mar 2010</a> <a href="#">15 Apr 2010</a> <a href="#">14 May 2010</a>	HQ Western Naval Command, vide several letters, raised security concerns over the upcoming Adarsh building due to its location in the immediate proximity of strategic Defence units and office / residential buildings of Defence personnel.	HQ WNC had been assigned overall responsibility for coastal security after the Mumbai attacks of 2008
133	<a href="#">27 Aug 2009</a>	Western Naval Command seeks details of the Society from Deputy Registrar of Co-operative Societies.	
134	<a href="#">14 Oct 2009</a>	Meeting in MCGM to consider the proposal of the Society to regularize the 28th floor constructed by the Society without insisting on clearance from the High-rise Committee.	
135	<a href="#">21 Oct 2009</a>	Commissioner MCGM accepted the proposal of the Society to regularize the 28th floor without clearance from the High-rise Committee and to obtain the approval of MMRDA.	
136	<a href="#">16 Apr 2010</a>	Letter written by Mumbai Sub-Area to General Manager BEST with reference to following queries. Reply forwarded on 30 Apr 2010. Commencement & completion of Reclamation (12 Nov 1973/30 Nov	

		<p>1974)</p> <p>Was ACHS land reclaimed by BEST (land of ACHS does not belong to BEST, hence Reclamation by BEST &amp; demand of said land by MCGM does not arise)</p> <p>If yes, why land not occupied by BEST</p> <p>Commencement &amp; completion of construction of BEST (31 Mar 1975/18 Sep 1976)</p> <p>Copy of development plan</p> <p>Was ACHS land asked by Bombay Municipal Corporation for widening of Cuffe Parade road</p>	
137	21 Apr 2010	No objection certificate was issued by the Chief Fire Officer of the Corporation.	Refer to para no. 13 of Hon'ble High court order dated 29 Apr 2016 in WP 369/2011
138	<a href="#">25 May 2010</a>	Adarsh wrote to the HQ, WNC stating therein that a complete list of its members would be sent to it once all the names of its members were approved.	
139	<a href="#">08 Jun 2010</a>	HQ, WNC addressed a letter to the Chief Secretary, Maharashtra raising security concerns viz. Adarsh, in light of the increased threat perception pursuant to 26/11/2008 attacks. It was stated that no occupation certificate, partial or otherwise, should be issued by the State Government to Adarsh pending security clearance from HQ, Western	



		Naval Command.	
140	<a href="#">25 Jun 2010</a>	<p>Subsequently, HQ, Western Naval Command addressed a letter to Chief Secretary, Maharashtra; Municipal Commissioner, Bombay Municipal Corporation; Principal Secretary, Urban Development Department, reiterating the contents of the letter dated 8-6-2010 and called upon the authorities to provide information about members of Adarsh for the purpose of security screening.</p> <p>It was also stated therein that the State Government should take immediate steps to issue a directive under section 154 of the MRTP Act, 1966 to the planning authority, mandating that no Occupation Certificate be granted to Adarsh till the requested information was provided by it and vetted by HQ, Western Naval Command.</p>	
141	19 Jul 2010	In the light of HQ WNC's letter dated 25/6/2010 the Executive Engineer (building proposals), MCGM addressed a letter to the MMRDA, being the special planning authority for Backbay Reclamation Land, for taking action in the matter.	Refer to Hon'ble High court order dated 29 April 2016 in WP452/2012 /Para 14 Page no.7
142	<a href="#">29 Jul 2010</a>	HQ, Mumbai Sub-Area (Station Cell) addressed a letter to the Chief Secretary, Maharashtra raising the	First serious objection by LMA to Adarsh;

		security concerns viz. the Adarsh building. It was requested therein that "...no Occupation Certificate, be issued by the state government authorities to the said Society pending a full security audit and screening by the Army and Naval authorities".	raised after departure on 12 <sup>th</sup> July 2010 of the last of the five GOCs MG&G Area who were members of the Society.
143	<a href="#">04 Aug 2010</a>	Final Commencement certificate issued for built up area 8401 sqm for stilt + two level podium + first and second floors commercial and third to 27th residential	
144	<a href="#">04 Aug 2010</a>	28th illegally constructed floor regularized by paying penalty of 39,74,235/-	
145	<a href="#">05 Aug 2010</a>	The HQ, MG & G Area addressed a letter to the Chief Secretary, Maharashtra stating that "the under construction building of Adarsh Co-operative Housing Society is the most dominating building in Colaba which over looks almost entire Colaba Military Station. Occupation of this building by anti-national elements can pose serious security threat to Colaba Military station".	
146	<a href="#">16 Sep 2010</a>	MMRDA issued Occupation Certificate for stilt + 2 level podium + 2 commercial floors + 26 residential floors to ACHS on despite objections from Army & Navy.	

## CONSEQUENTIAL EVENTS

Sl. No.	Date	Event	Remarks
147	25 Oct 2010	Adarsh scam reported by media	
148	25 Oct 2010	HQ WNC addressed a letter to the Commissioner, MMRDA bringing it to his attention that an Occupation Certificate had been issued to Adarsh in blatant disregard of all requests by HQ, WNC and the Army authorities and the security concerns raised therein. Revocation of the Occupation Certificate issued by MMRDA to Adarsh was sought.	
149	25 Oct 2010	Navy confirms that it has taken objection to Adarsh Society on security grounds	
150	30 Oct 2010	MMRDA revoked the occupation certificate issued to Adarsh	
151	31 Oct 2010	Brihan Mumbai Electric Supply and Transport (BEST) issues notice to Adarsh seeking OC.	Refer to para no. 13 of Hon'ble High court order dated 29 Apr 2016 in WP 369/2011/Para 16
152	02 Nov 2010	BEST and MCGM disconnected the electric and water connections to the Adarsh building	Refer to Hon'ble High court order dated 29 April 2016 in WP 452/2012/Para 15 Page no.8
153	04 Nov 2010	Direction issued by the Urban	

		Development Department, Government of Maharashtra to the planning authorities (including the BMC and MMRDA) mandating that “before sanctioning any development permission in the area of Brihan Mumbai Mahanagar Palika, firstly obtain no objection certificate from them of Defence, Army, Navy or security body lying in that region or nearby region”.	
154	05 Nov 2010	ACHS submitted to the Collector, Mumbai, a final list of 102 members approved by Govt. of Maharashtra.	Variation noticed in total membership during the handing taking over society to the army on 5 <sup>th</sup> Aug, 2016 wherein 104 members exist.
155	09 Nov 2010	Defence Ministry ordered a CBI probe into the scandal. In November 2010, the Defence Ministry asked the CBI to carry out an “all encompassing” probe into the Adarsh Housing Society case. The MOD has asked the CBI to investigate various aspects of the Adarsh Society. “Among other things, the CBI has been asked to look into the circumstances under which the No Objection Certificate (NOC) was issued and possession of	

		the land in question relinquished even though there was a deficiency of land for Army purposes in Mumbai,” the CBI was also asked to probe how permission given for the construction of a six storey building was flouted and revised to 31 floors, various aspects of the coastal regulation zone norm violations and to probe the extent to which the commitments for welfare of war widows/ service personnel were complied with.	
156	15 Nov 2010	The CBI registered a Preliminary Enquiry on the basis of written brief of Ministry of Defence.	
157	15 Nov 2010	Principal Secretary Urban Development Department observed that orders for exclusion of the 15 per cent FSI for recreation ground were issued without verification about the availability of 15 per cent recreation ground in the BBR Scheme as large tracts of land otherwise served as recreation ground were occupied by slums.	Refer to para No.50.5 page no 264 & 265 of patil commission report
158	20 Nov 2010	WP 3359 OF 2010 filed by Simpreet Singh in High Court Mumbai	
159	22 Nov 2010	Adarsh moves High Court in Writ Petition No. 2407 OF 2010 against revocation of OC and power and water supply cut	
160	21 Dec 2010	PIL filed by Mahendra Singh & others	

		in High Court Mumbai	
161	23 Dec 2010	- HC refuses interim relief to Adarsh adjourning hearing for one month	
162	08 Jan 2011	Government of Maharashtra appointed a commission of inquiry for the purpose of making an inquiry into allotment of land to Adarsh Co-operative Housing Society Limited Colaba, various permissions and clearance given to the society.	Refer Para 1.2/page 2 of Patil Commission Report of findings on terms reference nos. 1 and 2.
163	16 Jan 2011	Ministry of Environment & Forest orders demolition of Adarsh Building within three months	
164	29 Jan 2011	The Preliminary Enquiry (PE) was converted in to case RC 6(A)/2011 U/s 120-B, 420, 468, 471 IPC and Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988	
165	04 Feb 2011	Reply by BEST in response to RTI application  Plot no 87c allotted to ACHS not reclaimed by BEST. BEST allotted 5.22 acres of land, which was reclaimed by BEST after possession in 1973. BEST no way concerned about reclaimed land no 652. BEST not allotted any land to ACHS	
166	14 Feb 2011	ACHS filed WP 369 of 2011 against the demolition order passed by MOEF.	

167	Mar 2011	Comptroller and Auditor General of India submitted its report on Adarsh report for the year ended March 2011.	
168	04 May 2011	PIL No. 20 of 2011 filed in High Court Mumbai by Pravin Wategaonkar for monitoring of CBI proceedings by High Court.	
169	18 May 2011	Guidelines for issue of No Objection Certificate (NOC) for building constructions were issued by the Ministry of Defence, Government of India in respect of the security concerns of the Defence forces.	
170	Jun 2011	Survey report of Defence installations structures in close vicinity of and with visibility from the Adarsh building – showing some structures/installations between 27mtrs. to 200 mtrs. Of Adarsh.	
171	10 Jun 2011	HQ MG & G Area addressed a letter to the commissioner, MMRDA requesting it to pass suitable orders for demolition of Adarsh building to safeguard the security of Colaba Military Station.	
172	29 Nov 2011	HQ MG & G Area addressed a letter to the Secretary, Environment Department, and Government of Maharashtra seeking implementation of the demolition order passed by the MOEF as the	

		Adarsh building was a threat to the security of Colaba Military Station.	
173	<a href="#">02 Jan 2012</a>	The Government of Maharashtra addressed a letter to HQ MG & G Area requesting it to take up the issue viz. Implementation of MOEF's demolition order with the MOEF directly.	
174	<a href="#">10 Feb 2012</a>	Security writ petition 452/2012 filed in Bombay High Court by Army Authorities	
175	<a href="#">13 Apr 2012</a>	Justice Patil Commission submitted its report on Adarsh CHS, Colaba, Mumbai on Terms of Reference nos. 1 and 2.	
176	<a href="#">04 Jul 2012</a>	CBI filed charge-sheets against 13 accused including Government officials, in the Special Court for CBI cases at Mumbai. Out of 13 charge sheeted by CBI 5 officers were from Army, and 1 official from Defence Estates	
177	<a href="#">14 Dec 2012</a>	Title suit filed in Bombay High Court by Army Authorities as per the directions of Ministry of Defence.	
178	<a href="#">18 Apr 2013</a>	Justice Patil Commission submitted its report on Adarsh CHS, Colaba, Mumbai on Terms of Reference nos. 3 to 13.	
179	<a href="#">04 Nov 2013</a>	Public Accounts Committee (2013-2014) submitted its report.	
180	<a href="#">27 Mar 2014</a>	CBI filed two supplementary charge	



	<a href="#">19 Jun 2014</a>	sheets viz. Spl CC No.17/2014 dt.27 March 2014 and Spl CC No.60/2014 dt.19 June 2014 filed against 50 more accused in respect of Benami Transactions noticed during investigation.	
181	<a href="#">18 Mar 2015</a> <a href="#">17 Nov 2015</a>	Government of India, Ministry of Defence notified amendments to guidelines dated 18 May 2011 for regulating the issue of NOC for construction of buildings near defence establishments.	
182	<a href="#">29 Apr 2016</a>	The Bombay High Court had ordered the Union Environment Ministry to demolish Adarsh Society. The court's verdict upheld the Environment Ministry's 2011 order to demolish the Adarsh building. The court however stayed this order for 12 weeks. The HC also directed the State and Centre Governments to "consider initiating appropriate civil/criminal proceedings" against the politicians, ministers, and bureaucrats involved in the scam. HC further directed Defence Ministry to hold an in-depth inquiry for finding out the lapses or reasons on the part of its officers for not instituting Writ Petition at the earliest available opportunity and also for finding out whether the GOCs between 1999 and 13.7.2010 compromised with security of Colaba Military Station in	

		lieu of allotment of flats in the building of the Adarsh Co-operative Housing Society.	
183	<a href="#">18 Jul 2016</a>	Adarsh Society moved the SC on 18 July against the Bombay HC order.	
184	<a href="#">22 Jul 2016</a>	Supreme Court in SLP no.12844 to 12846 of 2016 granted a stay on the Adarsh Housing demolition order, issued by the Bombay High Court. The Apex Court had asked the Centre to take over possession of the housing complex and ensure its security, until all the appeals are decided.	
185	<a href="#">29 Jul 2016</a>	Possession of Adarsh CHS building and land was taken over by Army.	
186	<a href="#">01 Aug 2016</a>	Constitution of Inquiry Committee by MOD in pursuance of the directions contained in Order dated 29.04.2016 of the Hon'ble High Court of Mumbai in Writ Petition No. 452/2012	
187	<a href="#">29 Aug 2016</a>	<p>Hon'ble Supreme Court gave the following directions in SLP no.12844 to 12846 of 2016</p> <ul style="list-style-type: none"> <li>-Gave ACHS option to either pay for maintenance of assets or remove assets from building</li> <li>-GOI to explore feasibility of utilising building and bear expenditure on maintenance of assets</li> <li>- UOI to consider filing application</li> </ul>	

		for opening of 93 locked flats in ACHS	
188	21 Oct 2016	Ministry of Defence issued fresh detailed guidelines for issue of NOC for building constructions near defence establishments	
189	17 Nov 2016	Ministry of Defence extended the time limit for submission of report by the committee upto 31 <sup>st</sup> December 2016 and also deleted the terms of reference i.e. ownership of land and possession of land over passage of time from the purview of Inquiry Committee set up on 1 Aug 2016.	
190	09 Jan 2017	Hon'ble Supreme Court Permission to the Society to undertake the responsibility for the maintenance of generator, lifts, water pump and fire equipments attached to the building.	
191	10 Jan 2017	Ministry of Defence extended the time limit for submission of report by the committee upto 28 <sup>th</sup> February 2017.	
192	28 Feb 2017	Inquiry Committee set up by Ministry of Defence in pursuance of the directions contained in Order dated 29.04.2016 of the Hon'ble High Court of Mumbai in Writ Petition No. 452/2012 submits Report.	

## **1. INTRODUCTION**

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**1.1.** The constitution of this Inquiry Committee is in pursuance of the directions contained in Order dated 29 Apr 2016<sup>1</sup> of the Hon'ble Bombay High Court in Writ Petition No. 452/2012. The Court had directed the Ministry of Defence to "hold an in-depth inquiry for finding out the lapses or reasons on the part of its Officers for not instituting writ petition at the earliest available opportunity as also for finding out whether the GOCs between 1999 and 13 Jul 2010, namely, (1)Maj.General A.R.Kumar (2) Maj.General V.S.Yadav, (3) Maj. General T.K.Kaul, (4) Maj. General Tejinder Singh, (5) Maj.General R.K.Hooda compromised with security of CMS in lieu of allotment of flats in the building of the fourth respondent-Adarsh Co-operative Housing Society."

**1.2** The Ministry of Defence vide its order dated OM No. 712/VIG-III/2010 dated 01 Aug 2016<sup>2</sup> constituted a two member Committee consisting of

Dr. Rajan S. Katoch, IAS (Retd) - Chairman

Lt Gen (Retd) Ravi Thodge, - Member

Smt. Sujatha Gupta, IDES was designated the Coordinator and Secretary of the Committee.

**1.3** The Committee was tasked with bringing out the truth on the following Terms of Reference:

- Ownership of land
- Possession of land over passage of time
- Origin of the society
- Allotment of land to the Society
- Phases of construction
- Interested parties and beneficiaries
- Legal lacunae, etc.

**1.4.** While addressing the above issues, the Committee was assigned the task to identify and fix responsibility of all Defence officers including

DGDE officers, Local Military Authorities etc., and those responsible for acts of omissions and commissions.

**1.5** Subsequently, vide order no. 13020/08/2016/D(Lands) dated 17 Nov 2016<sup>3</sup>, the following subjects were deleted from the terms of reference of the Committee:

- Ownership of land
- Possession of land over passage of time

**1.6** The Committee therefore has not included the above aspects in the report. However, wherever relevant to the main terms of reference, issues relating to these aspects have been discussed.

**1.7** The Committee was given an initial period of three months to submit its Report. This period was extended by two months by Ministry of Defence OM No. –13020/08/2016/D(Lands) dated 17 Nov 2016<sup>3</sup>, and further upto 28<sup>th</sup> February 2017 by Ministry of Defence OM no. 13020/08/2016/D(Lands) dated 10 Jan 2017<sup>4</sup>. The Report has been submitted within the approved time frame.

## **2. BACKGROUND**

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**2.1** Several social activists and the media played an active role in uncovering the Adarsh Cooperative Housing Society (ACHS) case with allegations of irregularities and wrongdoing by prominent persons including leading politicians, bureaucrats and defence personnel. All the Investigations /Inquiries /Audit reports /Judicial pronouncements which have happened since have found irregularities wrongdoing in the entire process right from the allocation of the land to the society, obtaining 'no objection' from the Army, obtaining environmental clearances, extension of various concessions by the Govt. of Maharashtra like granting of additional FSI, obtaining NOC from BEST for transfer of developmental rights of adjoining land, clearances in Coastal Regulation Zone, membership of the society and allotment of flats.

**2.2** A summary of various Inquiries/ Investigations relating to area of investigation of this Committee that have taken place is given as under for appreciating the background of the ACHS Case.

### **Initial breaking of the case**

**2.3** The issue was first raised in a newspaper report in 2003<sup>5</sup>. Questions were raised about the manner in which apartments in the building were allocated to bureaucrats, politicians and army personnel who had nothing to do with the Kargil War and the way in which clearances were obtained for the construction of the building of the Adarsh Society. Though the issue had first been raised in 2003, media scrutiny over the high-profile list of owners drew public attention and judicial intervention in earnest since 2010. The Comptroller & Auditor General (C&AG) conducted a performance audit of the case between 2009 and 2011, and submitted its Report in 2011.

### **Audit by Comptroller & Auditor General (C&AG)**

**2.4** The irregularities in ACHS case came to light during the performance audit carried out by C&AG from June, 2009 to September, 2010. The Report was tabled in Parliament on 09 Aug 2011, and thereafter taken up by the Public Accounts Committee (PAC) of



Parliament for consideration. The C&AG viewed the case as an example of the fence eating the crops; those holding fiduciary responsibility betraying the same for personal aggrandizement. The Report found that:

- The land was in possession with the Army, though the title was not transferred.
- There was unusual alacrity by Local Military Authorities (LMA) and Defence Estate authorities in issuing the No Objection Certificate to the State Government
- Expansion of the membership of the society was done from time to time to include civilian officers, politicians and their relations and other senior service officers.
- Significant concessions were granted by the Government of Maharashtra (GOM) to favour the Society. Officials dealing with these concessions became members.
- MMRDA Development Plan for the area was modified to accommodate the society.
- Additional FSI was granted by transferring FSI of adjoining land of BEST.
- Further relaxation to grant additional FSI in lieu of Recreation Ground was given.
- ACHS was allowed to circumvent the provisions of Development Control Rules, 1967 and 1991.
- Eligibility conditions were relaxed in favour of the members
- Environmental clearances were given under Coastal Regulation Zone Notification in violation of the established procedures.
- There was inadequate oversight by the Ministry of Environment and Forests in which omission was wilful.
- There was betrayal by persons holding fiduciary responsibility including subversion of rules and regulations for personal aggrandisement.

- Public Servants entrusted to safeguard National Interest facilitated NOC from Army, modification to MMRDA Development Plan, NOC for residential development in CRZ Area, Transfer of development rights of adjoining land in use by BEST.

### **PILs filed and Court Cases**

**2.5** RTI (Right to Information) queries were filed by members of NAPM (National Alliance of People's Movement). NAPM also filed complaints with Maharashtra's Environment Department and the Defence Ministry. A number of Public Interest Litigations (PILs) were also filed with the Bombay High Court in 2010. The main litigations pending and the salient orders so far include:

#### **WP No. 2407 of 2010 filed by ACHS**

**2.6** This writ petition was filed by ACHS and Brig. M. M. Wanchu before Hon. High Court of Mumbai against State of Maharashtra and 9 others including Union of India, through MOEF and Ministry of Defence through Secretary. The petition was instituted by ACHS challenging the letter dated 30 Oct 2010 issued by MMRDA revoking occupation certificate issued on 16 Sep 2010 and letter dated 31 Oct 2010 issued by BEST disconnecting power supply and letter dated 02 Nov 2010 issued disconnecting water supply by Asst. Engineer, Water works, Mumbai corporation. In view of separate judgement in writ petition 369 of 2011, the writ petition was dismissed thereby upholding the order of demolition of Adarsh Building in its entirety.

#### **Criminal PIL No. 20 of 2011**

**2.7** PIL No. 20 of 2011 was filed by Pravin Wategaonkar before Hon. High Court of Mumbai seeking invoking of Prevention of Money Laundering Act (PMLA) into the case. This PIL along with the other petitions have been clubbed for hearing by the High Court to be heard together.

## **WP No. 369 of 2011**

**2.8** This writ petition was filed by ACHS before Hon. High Court of Mumbai against MOEF order dated 16 Jan 2011 directing demolition of building of Adarsh.

The Hon'ble High court passed the order dated 29 Apr 2016 as under:

- Union of India, Ministry of Environment and Forests to forthwith demolish Adarsh building constructed by the petitioners at the expenses of the petitioners
- State of Maharashtra to consider initiating appropriate civil / criminal proceedings against the concerned bureaucrats, Ministers and politicians in accordance with law, if not already done for committing various offences in acquiring the subject plot as also misuse and / or abuse of powers. The concerned Court/s shall decide the case/s on the basis of evidence on record and in accordance with law, uninfluenced by the observations made / findings recorded herein.
- Union of India and State of Maharashtra to consider initiating departmental proceedings in accordance with law against the bureaucrats. The disciplinary authorities shall take the decision in accordance with law without being influenced by the observations made and findings recorded in the judgement
- State of Maharashtra to resume CTS No.652, Block VI, Colaba by following due process of law.
- Writ petition is dismissed by Hon'ble High court Mumbai, however allowed the stay of the MOEF order for a period of 12 months in view of the pending petition.

## **WP No. 452 of 2012 filed by Union of India, Ministry of Defence (MoD) on the security issues.**

**2.9** It was instituted by Union of India through Indian Army, HQ, Maharashtra Gujarat & Goa area through GOC against respondents Govt. of Maharashtra, Municipal Corporation of Greater Mumbai and Mumbai Metropolitan Regional Development Authority before Hon.

High Court of Mumbai for writ of Mandamus restraining them from granting building/development permission in the vicinity of and / or within Colaba Military Station (CMS) without obtaining No Objection Certificate from Army and from granting any development permission, Completion certificate or Occupancy Certificate to ACHS and directing the respondents to forthwith demolish the building.

Hon'ble High court vide order dated 29 Apr 2016 issued the following directions:

- Not to grant any building/development permissions in the vicinity of and/or within the Colaba Military Station without an NOC from the Army authorities
- Concerned authorities to demolish the building of Adarsh Co-operative Housing Society.
- Ministry of Defence to hold an in-depth inquiry for finding out lapses or reasons on the part of its officers for not instituting writ petition at the earliest available opportunities and investigate the matter of compromising the security of Colaba Military Station (CMS) in lieu of allotment of flats.

#### **WP No. 2591 of 2012 filed by MoD regarding their claim on title of the land**

**2.10** The suit for the title was filed before Hon. High Court of Mumbai by the Army with the prayer that it is sole and absolute owner of the suit property and the suit property is fraudulently and illegally made over. The petition is pending.

#### **Action by Ministry of Defence**

**2.11** Official correspondence indicates that a complaint was received in the Ministry of Defence in 2003. The then JS & CVO, MoD (Shri Gautam Chatterjee) in letter dated 26 Jun 2003<sup>6</sup> to the DGDE (Smt. Veena Maitra) mentioned that the complaint was regarding the role of Shri RC Thakur who was the chief promoter of the ACHS while being a serving

SDO under DGDE, the membership of senior local military officers in the Society, the proposed transfer of the plot which was a park under the occupation of the MG & G Area to the Society, future security implications, possibility of tampering of land records. MoD requested for a discreet inquiry into the proposed land transaction. DGDE however confined its action only to the role of Shri Thakur in becoming chief promoter of a Society without him informing Government as required under the Rules and issued him a show cause notice accordingly. His reply was processed and put up to the Ministry. A query from MoD on his role in issue of the NOC for the land was not answered by DGDE, nor pursued further by the MoD, as per records.

**2.12** Subsequently, in response to a query from the CVO, Ministry of Defence, the DGDE (Smt. Veena Maitra) vide letter dated 08 Mar 2004<sup>7</sup> addressed to CVO, Ministry of Defence pointed out that the ACHS land was under long occupation of the Army, NOC was given because senior officers had become members of the Society, role of Shri RC Thakur was central as chief promoter, it was a setback to efforts to get Block VI land from State Government, there were security concerns. There is no available record of further action on the concerns raised.

**2.13** Further, in August 2010, Ministry of Defence received letters from Shri Ambica Banerjee and Shri Yashbir Singh, Hon'ble Members of Parliament mentioning complaints of irregularities in the ACHS matter. These were examined in the Ministry and Services Headquarters along with report of C&AG in October 2010 and security concerns expressed about the construction by the Chief of Naval Staff in November 2010. Considering the gravity of the matter as brought out by various authorities, Ministry of Defence requested the Central Bureau of Investigation(CBI) vide letter No. 13019/5/2010-D(Vig) dated 09 Nov 2010<sup>8</sup> to investigate the complaints and fix responsibility.

The MoD asked the CBI to investigate into following:

- Circumstances under which NOC was issued and possession relinquished even though there was deficiency of land for Army purpose in Mumbai.

- The promoters of Adarsh Housing Society had apparently made commitments for allotment of flats to war widows and service personnel, a girls hostel for the children of military personnel etc., to justify the construction of the apartment complex. The extent, to which these commitments have been completed with, needs to be ascertained.
- Army Welfare Housing Organisation (AWHO) was formed in the year 1978 to construct houses for serving/retired Army personnel and their widows in selected stations throughout the country. Why was a separate society floated in this instance bypassing AWHO?
- How the membership of the Society expanded over a period of time and inclusion of civilians allowed?
- Whether the statutory regulations concerning environmental and Coastal Zone were complied with sanctioning the building plan.
- How the height of the building was allowed to increase to 31 storeys, which involved change of FSI and examination of other important aspects like security concerns of the forces, environmental/coastal zone restrictions etc. In case such a tall structure is not permissible, whether the upper floors should be demolished/kept vacant or utilised in any other manner?

### **CBI investigation**

**2.14** On the basis of the request of MoD, the CBI commenced a preliminary inquiry on 15 Nov 2010, and registered a regular case under the Indian Penal Code and the Prevention of Corruption Act, 1988 on 29 Jan 2011. As a result of the investigation, CBI on filed a charge-sheet against 13 accused, out of which five officers were from Army, and one official from Defence Estates, as under.

Shri RC Thakur

Brig MM Wanchu

Maj Gen AR Kumar

Maj Gen TK Kaul

Brig TK Sinha

Col RK Bakshi

**2.15** The charge sheet was filed by CBI in the Special Court, Mumbai on 04 Jul 2012. The charge sheet held that Shri RC Thakur along with Brig (Retd) MM Wanchu conspired with the members of defence services, officials and functionaries of Government of Maharashtra and others with the intention to illegally get land in possession of Army allotted to the Adarsh CHS, in which they were the members. The public servants concerned abused their official position, manipulated and fabricated the records in order to achieve their objective of getting the land allotted to Adarsh CHS by dishonest means and also got various clearances from the Municipal Authorities and other State Government authorities through quid-pro-quo arrangement of membership (and later allotment of flats) in Adarsh CHS in lieu of abuse of their official position resulting in huge pecuniary benefit to themselves or to their close relatives on account of land/flats being made available at much cheaper rates. They were accordingly charged for cheating, criminal conspiracy and criminal misconduct under the relevant sections of the Indian Penal Code and Prevention of Corruption Act, 1988. The Court has yet to take cognizance of the charge sheet, and the trial has yet to commence.

**2.16** With regard to the Benami Transactions Act, CBI filed two supplementary charge sheets against 50 more accused persons including Maj Gen T.K. Kaul, and Shri S. R. Nayyar, IDES . The case is pending before the Special Court at Mumbai.

### **Enforcement Directorate Investigation**

**2.17** Enforcement Directorate (ED) is also probing allegations of money laundering under the Prevention of Money Laundering Act against high-profile members of the scam-hit Adarsh Cooperative Housing Society, based on charges filed by CBI.

## **Commission of Inquiry appointed by the Government of Maharashtra**

**2.18** In January, 2011, the Maharashtra Government appointed a two member Commission of Inquiry consisting of former Bombay High Court Justice J.A. Patil and former Chief Secretary of Maharashtra P.Subrahmanyam to probe into the irregularities in the Adarsh Housing Society case. After examining 182 witnesses over two years, the Commission submitted its final report in April, 2013 to the Maharashtra Government. The report highlighted 25 illegal allotments including 22 purchases made by proxy i.e. benami transactions. The report also indicted four former Chief Ministers of Maharashtra, two former Urban Development Ministers and 12 bureaucrats for various illegal acts. A brief summary of important findings of the Judicial Commission of Inquiry are as under:

- The Land in question in CS No. 652 Block VI of BBRS belongs to the Government of Maharashtra and not to the Ministry of Defence.
- That the land in question or membership of Adarsh CHS was not reserved for defence personnel or Kargil war heroes.
- The reduction of the proposed width and change of reservation from road to residential in r/o of Capt Prakash Pethe Marg was illegal and malafide.
- The deletion of the plot reserved for BEST and its conversion to residential purpose for allotment to the Adarsh CHS was not in accordance with law.
- There was a clear violation of the DCR 1967 in approving the height of the Adarsh Building above 47.40 meters.
- 25 members were ineligible to become members for Adarsh CHS.
- It was mandatory for the Adarsh to have obtained a valid CRZ clearance from a competent authority but the same was not obtained.
- 22 benami transactions were identified.

The State Government of Maharashtra has partially accepted the report.



## **Report of the Public Accounts Committee**

**2.19** The Public Accounts Committee considered the Report of the C&AG on the ACHS case during 2013-2014. The major findings of its Report on the subject are as follows:

- Corroborated the audit scrutiny which had revealed how a group of select officials holding key posts subverted rules and regulations, suppressed facts and took the ruse of welfare of servicemen and war widows and children.
- Questioned as to how the MoD issued a 'No Objection' for construction of the residential building for the proposed private Society when the Army was in physical possession of the land.
- Noted that the Army Authorities issued NOC to the Housing Society for the 'Welfare of servicemen, ex-servicemen and their widows'. The Committee find that the membership of the Society continued to expand to accommodate public servants, politicians and their relatives. PAC questioned as to why NOC was not rescinded once the change in membership of the Society was noticed by the MoD.
- Noted with distress that the much acclaimed pious avowal of – 'Welfare of service personnel, ex-servicemen and their widows' was used as a smoke screen to corner prime piece of land by Senior Service Officer, Senior Civilian public servants and private individuals, most of whom were relatives of politicians and public servants.
- Deplored the cavalier manner in which the serious issue of security was overlooked to the detriment of the security installations.
- Desired that officers responsible for acts of omission and commission are brought to justice without further delay.

## **Supreme Court orders in SLP no.12844 to 12846 of 2016 filed by ACHS :**

**2.20** This SLP was filed by Lt Gen Shantanu Chaudhary and others against order in writ petition 452 of 2012 and 2407 of 2010

**2.21** The Hon'ble Supreme Court passed an interim order dt.22 Jul 2016, issuing following directions:

- Union of India will take possession of the building in question within one week from today and the possession shall remain with the Union of India during the pendency of the special leave petitions.
- Records pertaining to society in presence of one Registrar of Bombay High Court nominated by Registrar General & Officers of Government of India to be nominated by Stn. CDR, Mumbai, prepare inventory and take possession on or before 05 Aug 2016. It was further ordered that furniture lying in building to be removed by Reps of Society.

**2.22** In compliance with the above orders of the Hon'ble Supreme Court, possession of Adarsh CHS Building and land was taken over by Union of India (Ministry of Defence/\_Army) on 29 Jul 2016 and handing taking over of Adarsh CHS Building & its premises was completed on 05 Aug 2016.

**2.23** The Hon'ble Supreme Court further issued following interim directions on 29 Aug 2016:

- Gave ACHS option to either pay for maintenance of assets or remove assets from building
- Government of India to explore feasibility of utilising building and bear expenditure on maintenance of assets
- Union of India to consider filing application for opening of 93 locked flats in ACHS.

**2.24** The Hon'ble Supreme Court vide order dated 09-01-2017 disposed the IA No. 4/2016 in the above SLPs by the petitioner for maintenance of assets in the ACHS building with the following directions:

- Permitted the Society to make appropriate arrangements for the maintenance of assets attached to the building by entering into an appropriate maintenance contract.

- Directed the Respondent - Union of India to permit persons duly and authorised by the petitioner and company concerned to periodically visit the building for purpose of maintenance. Such entry of the authorised persons shall be with prior intimation, at least 48 hours before each visit, to the Commander Officer, station Commander, Mumbai Military Station of the Indian Army who shall give the necessary permission within 24 hours.
- Appeals were listed for hearing on 25-10-2017.

### **3. METHODOLOGY AND PROCEEDINGS**

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**3.1** The constitution of this Inquiry Committee is subsequent to a series of inquiries/investigations/audit reports/court orders. In the light of the various reports having already established irregularities/wrong doings, the object of this Inquiry Committee is not to re-establish the wrong doing, but to understand the events and their background, collate and establish the facts, primarily with a view to identifying the officers responsible and degree of their role and influence, while remaining within the overall framework of the Terms of reference laid down by Government.

**3.2** Pursuant to the Constitution of the Inquiry Committee, the Chairman of the Committee met Defence Secretary on 09 Aug 2016 followed by a preliminary meeting with the Secretary-Co-ordinator on 23 Aug 2016 and then with Lt. Gen. Ravi Thodge, Member on 26 Aug 2016 to discuss and decide on the methodology and manner in which the Inquiry Committee will proceed to prepare an Inquiry Report as per the Terms of Reference laid down in the Constitution of the Committee. The Committee thereafter interacted with Shri J.R.K. Rao, Addl. Secretary, Shri Manish Thakur, Joint Secretary and other officials of the Ministry of Defence on 30 Aug 2016. In the said meeting, the Committee decided to collect all the reports/documents and also to bring out the full chronology of the events, decisions and orders relating to the case and then to visit Pune and Mumbai for interacting with various concerned officials. The Inquiry Committee met in New Delhi on 30 Sep 2016, 02 Nov 2016, 03 Nov 2016, 18 Nov 2016, 23 Nov 2016, 07 Dec 2016, 15 Dec 2016, 21 Dec 2016, 22 Dec 2016 and 02 & 03 Jan 2017, 24 Jan, 27 Jan, 06 Feb, 15 Feb and 21 Feb 2017 in connection with the proceedings.

**3.3** The Committee adopted the following methodology in the course of the enquiry.

**3.4** The first stage involved the collection of reports related to Adarsh issue prepared by various agencies following the breaking of the case in the media.

The Committee primarily studied the following investigation/inquiry reports to clarify the questions before it in addition to the Defence Estates and Army Department's related correspondence files.

- Report of the Commission of Inquiry on Adarsh Cooperative Housing Society, Colaba, Mumbai, consisting of the Hon'ble Shri Justice JA Patil and Shri P Subrahmayam, Retd Chief Secretary, Govt of Maharashtra.
- Report of the Comptroller and Auditor General of India on Adarsh Co-operative Housing Society, Mumbai, No 11 of 2011-12.
- Ninety First Report Public Accounts Committee,(2013-14), Fifteenth Lok Sabha, PAC No 2018.
- Judicial pronouncements on various PILs and Court cases
- Charge Sheets filed by CBI during the course of their investigation

**3.5** The second stage included obtaining laws, regulations, then prevalent dispensations on issue of NOCs and administrative procedures from different concerned authorities

The Committee obtained information on the various aspects of security clearance, prevailing dispensation on issue of NOCs, methods and practices of entries in the Military Land Register maintained by the DEO, the various Rules and Acts governing the management of Defence land and land under occupation of Defence in so far as it is relevant to the subject issue.

- Works of Defence Act, 1903
- Cantonment Land Administration Rules, 1937
- Rules for Acquisition, Custody, Relinquishment of Military Lands in India (A.C.R.) Rules, 1944
- Defence Services Regulations (Regulations for the Army)
- Land Policy letters issued by MoD from time to time.

3.6 The third stage involved interaction with the concerned authorities.

The Committee visited Pune on 07 Sep 2016 and interacted with the officers of HQrs, Southern Command Pune, M&G Area, Sub-Area, PDDE, SC, Pune, Defence Estates Officer, Mumbai Circle on key events such as orders, findings of the Court, report of the C&AG, Commission of Inquiry and Internal Inquiries and also to know the then prevailing instructions on the subject.

**3.7** The Committee has taken briefings from the concerned Army, Navy and Civil authorities on the events culminating into the reported irregularities of ACHS building and has also perused documents / files connected with the ACHS building, phases of construction of ACHS building and progress of construction from initial to final stage and the correspondence that exchanged between all the relevant authorities in command including the notings to appreciate the decision making process and the role of various officers. The Committee also obtained affidavits filed by various interested parties in the court cases before the Hon'ble High Court of Mumbai as well as Supreme Court of India.

**3.8** Member of the Committee Lt. Gen. Ravindra Thodge visited Pune and Mumbai for collating information on documents/maps pertaining to subject land from HQrs Southern Command Pune, HQ Mumbai Sub-area, BEST and DEO Mumbai circle on 26 Aug 2016 and 14 Sep 2016. The Co-ordinator and Secretary of the Inquiry Committee visited Mumbai on 27 Oct 2016 had a meeting with the District Collector for having interaction on information on procedure adopted for approving the members of ACHS and the details of all applicants (whether approved or not) available with them and also the general stand of the GOM/Collector, Mumbai with reference to the Writ petition pending before the Hon'ble High Court of the Mumbai.

**3.9** The List of officials interacted with by the Committee and list of documents are enclosed with the report as Annexure-A and Annexure-B respectively.

## **4. ORIGIN**

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**4.1** During the course of its inquiries into the origin of the ACHS, the Committee obtained and reviewed past records, and interacted with local officers and those familiar with the history of the case. From these inquiries, it appears that the inspiration to form the Adarsh Cooperative Housing Society was the experience of the Pilot Bunder Cooperative Housing Society (PBCHS), and the origin of the modus operandi of the ACHS case lies in the PBCHS experience. In March 1965, a Pilot Bunder Co-operative Housing Society was floated by Rear Admiral S G Karmarkar, and the Society obtained a 99 years lease from the Government of Maharashtra to formulate a project for housing on ownership basis for retired/serving officers of the Defence services. Two 12 storeyed high rise buildings i.e. Oyster and Dolphin were constructed by the Society. The flats were allotted to the officers of defence services mainly serving/retired as well as a few civilian Government officers. Many of the flats earlier occupied by military personnel were with passage of time sold or rented to non-officials and today they are occupied by civilians. Records studied indicate that the Pilot Bunder Housing Society was a precursor to the pattern followed by Adarsh.

**4.2** The PBCHS was promoted by senior naval and military officers, some of whom were posted in Mumbai in key positions, and included officials of the State Government as well. Oyster and Dolphin were built on land leased by the State Government, but physically surrounded by the Colaba military station. The allotment of land needed both an NOC from the LMA, as well as permission to have access through defence land from the competent authority. Both these permissions were accorded by the then Sub Area Commander Brig. Harpal Singh. After construction, PBCHS applied for regularization of additional defence land on which it had encroached. The case was recommended by the LMA, and eventually regularized. This became a draft audit para, which noted that permission to utilize defence land was not given by the competent authority (Government), and instead of fixing of responsibility, regularization was proposed.

**4.3** PBCHS members included the then GOC, MG&G Area Maj Gen Chand Narayan Das, and Mumbai Sub Area Commander Brig Harpal Singh. Pilot Bunder Cooperative Housing Society letter was dated 14 Sep 1968<sup>9</sup>.

Allottees of flats include the main military and civil functionaries of the time e.g.

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- (a) Lt Gen LP Sen, GOC in C, HQ Southern Command
- (b) Maj Gen KK Bhandari, COS, HQ Southern Command.
- (c) Col PK Jain, CWE, MES
- (d) Brig SR Nautiyal, CE, HQ Southern Command
- (e) Air Cmde NK Shitoley, AOC
- (f) Shri RJ Sethna, GOM, Revenue Department
- (g) Shri DL Kulkarni, JPS
- (h) Shri MK Joshi, MK Gharpurey and JN Khosla

**4.4** The Adarsh Co-operative Housing Society (ACHS) was floated during 1994<sup>10</sup> with Shri R.C. Thakur as the Chief Promoter and Late Brig. M.M. Wanchu (Retd.) as the Secretary. It was not then a registered Society. At the relevant time, Shri Thakur was working as Sub Divisional Officer in Defence Estates Office, Mumbai Circle, Colaba directly dealing with land issues, including those relating to the ACHS. He continued in the said office till 2002. Brig. Wanchu had already retired from service in 1994 and he was re-employed with Tata Power Company, Mumbai. He continued in that company for about 8 years and thereafter settled in Pune. As in PBCHS, the membership of the ACHS included the GOC-in-C, Area Commander, Sub Area Commander as well as prominent civilian officers dealing with the case.

**4.5** Initially, Shri Thakur addressed a letter dated 06 Aug 1994 to the Chief Minister. He sought allotment of land in C.S. No.4/600 measuring 8300 sq. mtrs lying adjacent to Oyster and Dolphin buildings in Colaba area. In a subsequent letter dt. 06 Jan 1995<sup>11</sup> addressed by Shri Thakur

to the Principal Secretary, Law & Judiciary Department, Government of Maharashtra, it was stated that the said piece of land was surrounded by the defence area and the Government of Maharashtra may not be able to use the said land for any commercial or other purposes. It was also assured that the ACHS would produce the NOC from the defence authorities for allotment of the said land to it. The Society's request for allotment of the said land was however not accepted by the Government of Maharashtra and the Collector, Mumbai City by his letter dated 4 Sep 1996<sup>12</sup> informed the Under Secretary R&FD with a copy marked to Brig. Wanchu that in view of the CRZ notification dt. 19 Feb 1991 issued by the Ministry of Environment and Forests (MoEF), no construction could be made upon the land falling within 500 mtrs from the High Tide Line and therefore the land applied for by the Adarsh CHS could not be allotted to it.

**4.6** Shri Thakur and the ACHS in coordination with the LMA and the DEO's office then started working upon the alternative site in Block VI. Shri Thakur's access to the land records in his capacity as Sub Divisional Officer in DEO, Mumbai Circle, Colaba and knowledge about the land parcels seems to have facilitated building up of the case for allotment of land for the Society.

**4.7** In building up the case, a proactive role appears to have been played by the Mumbai Area/ Sub Area. Records indicate that Col. S.D. Tandon, Staff Officer, Land, Mumbai Sub Area for the period June 1995 to April 1999 initiated correspondence with the office of DEO, Mumbai Circle on 16 Oct 1997<sup>13</sup> directing him to submit a half yearly report of unauthorised occupation of land by the Army. Col. Tandon's letters repeatedly refer to instructions of higher authorities, and also to discussion of Army Commander with the Chief Secretary in the Civil Military Liaison Conference (CMLC) of 15 Jun 1998<sup>14</sup>. However, the minutes of the CMLC do not record any such instructions<sup>14</sup>. The Area Commanders during the above period were Maj.Gen.R. Pandit (31 May 1997 to 08 Jan 1998) and Maj.Gen. A.R. Kumar (23 Feb 1998 to 20 Jul 2000 ) and the Sub Area Commanders were Brig.R.N Kapoor (Dec. 1996

to Jan. 1999) and Brig. T.K.Kaul (Jan.1999 to Jan.2000). Of these, Maj. Gen.A.R.Kumar and Brig. T.K.Kaul were beneficiaries of Adarsh.

**4.8** The reply to the letter of 16 Oct 1997 was sent by the office of DEO, Mumbai Circle on 07 Nov 1997<sup>15</sup>. From the relevant files, it is seen that the reply was put up by Shri Thakur and signed by the then DEO Shri Guruswamy. In the said reply, it was stated that there was no private land under unauthorised occupation of Army in Mumbai. However, “a pocket of State Govt land in Block VI Colaba Division is in unauthorised occupation by 8 Garhwal in the form of a garden”. It is further seen from the records that the matter was pursued by Mumbai Sub Area with the office of the DEO, Mumbai Circle for confirmation of land situated in Block VI as State Government land. It is also seen that during June 1998 the office of DEO, Mumbai Circle, Colaba has confirmed on request from the Station Head Quarters, Colaba that the land in Block VI is owned by State Government<sup>16</sup>.

**4.9** The correspondence exchanged between Col. SD Tandon, Adm. Comd., Station HQ, Colaba and Shri Guruswamy DEO, Mumbai Circle appears to be for the purpose of highlighting the ambiguity in the status of the said land, and building a case for the subsequent request for allotment to the ACHS. In the year 2000, ACHS addressed another letter to the Chief Minister, Government of Maharashtra; this time very specifically for allotment of 3854 Sq.Mtrs land in Block VI of Back Bay Reclamation Scheme, Colaba for construction of residential building for welfare of serving and retired Army personnel. The contents of the letter revealed the ground work done by the promoters of the ACHS who seem to have exploited their official position for building a case for allotment. The exact measurement of the parcel of land projected by the ACHS in its request reveals their access of the documents and facts pertaining to this piece of the land in Block VI, and the efforts made to build a case for allotment.

**4.10** The ACHS was registered under the Maharashtra Co-operative Societies Act 1960 on 28 Sep 2004 (as is seen from its registration certificate<sup>17</sup>, after the allotment of the land on 09 Jul 2004. The entire

correspondence with the concerned authorities for allotment of land was done by an unregistered cooperative housing society and there was no observation / objection by any of the authorities concerned.

## **5. ALLOTMENT OF LAND**

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**5.1** The first attempt by the ACHS to get land allotted is indicated in letter dated 06 Aug 1994 from the chief promoter Shri R. C. Thakur to the Chief Minister Maharashtra requesting for allotment of land in C.S. no 4/600 measuring 8300 sqm adjacent to Oyster & Dolphin buildings. This sought to build on the successful precedent of PBCHS. However, the situation had changed since then. The request was rejected in view of the CRZ notification dated 19 Feb 1991, which stipulated that no construction could be made upon the land falling within 500 metres from the high tide line. The demand for land was further reiterated by Shri R C Thakur in letters dated 20 Jul 1998 & 23 Feb 1999. Thereafter, the efforts shifted to the piece of land in question, which was finally obtained by ACHS.

**5.2** Why was this particular plot targeted by ACHS? The Defence Estates Officer, Mumbai Circle is the designated authority under the Rules for maintaining the records of land owned by the Ministry of Defence and maintenance of Military Land Register (MLR) including that of Colaba Military Station wherein survey number wise Ownership, Land, area, persons in occupation, transfer or sale transactions and other details of the land held by the Ministry of Defence in the Station is recorded. The said MLR for Colaba does not contain any information on the land on which ACHS stands today. Though the said land was under undisputed possession of Army, records do not reveal information about any formal transfer of the said land to the Ministry of Defence. The State Revenue Authorities on the other hand also had no record about the land in question and had not assigned any survey number to this plot at that time. CS No was allotted only after allotment of plot to ACHS in 2004. This ambiguity regarding the ownership of the land was apparently manipulated by concerned Military and Defence Estates Officers.

**5.3** The old records<sup>18</sup> indicated that adjoining to the subject land is the SHO complex having constructed by Military Authorities in the year 1941 and have been in possession of the Army. A wall was constructed by Military Engineering Services (MES) around the plot. A letter from Collector Mumbai dated 30 Dec 1983<sup>19</sup> stated that the subject land was required for the widening of the Cuffe Parade Road, however, it was fenced with barbed wire and in possession of Defence. In reply vide letter dated 13 Jan 1984<sup>20</sup>, Station HQ that the subject land was in possession of Defence since long and was Defence land.

**5.4** Further, the Minister of General Administration, Govt. of Maharashtra in letter dated 13 Oct 1988<sup>21</sup> addressed to Commander, Sub Area stated “present boundary wall constructed by you near road side of Ganesh Murthi Nagar No.II should not be shifted..... the land from the boundary wall to the hutments is military land and it will not be used by the slum dwellers..... as per the discussion this land will be developed for garden purposes. Station Commander, Bombay vide letter dated 08 Nov 1988<sup>22</sup> addressed to M&G Area stated that a wall was being constructed on the subject land and being developed into a park as accepted by the Hon’ble Minister for General Administration, Govt. of Maharashtra. This plot of land had been converted into “Khukri Park” and was inaugurated by Maj. General B.A. Cariappa, General Officer Commanding (GOC), Mumbai Area on 27 Oct 1996. The park was fenced by a boundary wall with a gate constructed by the Military Engineering Services. ACHS addressed a letter to the Chief Minister of Maharashtra on 21 Sep 1999<sup>23</sup> requesting allotment of this particular plot of land measuring 3854 Sqmts. It was set out there in that about 15 years back, the Government of Maharashtra proposed widening of Cuffe Parade Road, and joining the same to a 60 meter wide road known as 'Colaba-Uran Road'. However, after this proposal, the Government banned the reclamation of sea and the proposal came to be left on the back burner. In view of the above, it was submitted that there was no need now to widen the Cuffe Parade Road beyond BEST Depot in the Back-way as military area starts from that point. In any case, the proposal was to



terminate the said widening at the junction of plot-VI and VII of the Colaba Division. It was further set out there in that "our proposed plot is exactly located at that very junction where military area begins and there is no proposal of any such widening in the military area and, therefore, with little changes in the Development Plan, which is still pending for approval with the Ministry of Urban Development, our project can be cleared and Your Lordship be kind enough to allot the same to us which is free from encroachment and is presently with the Local Army Authorities for construction of houses". On 13 Jan 2000<sup>24</sup>, the ACHS addressed a letter to Shri Ashok S. Chavan, the then Minister of Revenue and Forests, reiterating the contents of the letter dated 21 Sep 1999. ACHS again addressed a letter to the Chief Minister of Maharashtra in 02 June 2000<sup>25</sup> stating therein that the allotment of 3758 square meters of government land forming part of Block VI of Colaba Division will be a kind gesture towards serving and retired officers of Defence Services, more particularly to "our heroes who bravely and successfully participated in Kargil operation. It was further stated therein that possession of this piece of land is already with Army for the last 25-30 years who have already issued their willingness in favour of the ACHS to Collector, Mumbai. On instructions from the Chief Minister, Collector, Mumbai addressed a letter to GOC, Headquarters, Maharashtra Gujarat and Goa Area on 29 Mar 2000<sup>26</sup> requesting the later to confirm that there is no objection to allot land situate near plot no.6, Block-VI to the proposed society of the service personnel by the Government of Maharashtra. This was on the basis of the site inspection carried out on 27 Mar 2000 where it was revealed that the Military Department has constructed a wall to the said plot and hence the Government land protected from encroachment and the same land was applied by the proposed society. On 30 Mar 2000<sup>27</sup>, HQ, MG&G Area addressed a letter to the Defence Estate Officer, Mumbai to confirm the status of the land situated near plot no.6, Block VI by 01 Apr 2000, i.e. whether it is a State Government or Defence land.

**5.5** On the same day, i.e., 30 Mar 2000<sup>28</sup>, DEO Mumbai Circle, gave reply setting out there in that "it is verified from our records that the

land in question forms part of Block VI of Colaba Division which belongs to the Government of Maharashtra and falls outside the Defence Boundary". On 05 Apr 2000<sup>29</sup>, a letter was addressed by HQ, MG & G Area to Collector, Mumbai informing him that the requested land falls in Block-VI of Colaba Division (Back Bay Reclamation Scheme-VI) which fell outside the Defence Boundary. Necessary action may be taken as deemed fit for the welfare of service personnel/Ex-servicemen/ their widows.

**5.6** This was a critical step in the process of transferring the land in question held de facto by the military authorities to ACHS, and the manner of the issue of the NOC has been castigated by all the judicial, parliamentary and audit bodies that have examined the case. The Committee queried about the instructions / SOPs/ Government orders that prevailed in 2000 to guide decisions on according NOCs in such cases. No formal reply was received to the queries from the field formations in Mumbai and Pune. From the discussions with officers, it was gathered that there were no clear instructions or SOPs at the time, of the kind that were subsequently issued by the Ministry in 2010 and 2011s. There was in practice considerable discretion at the level of the Station Commander. This position was confirmed by the Ministry of Defence vide their letter no. 13020/08/2016/D(Lands), dated 06 Jan 2017<sup>30</sup>.

**5.7** After receiving the NOC from the LMA, on 12 May 2000<sup>31</sup>, Collector informed Revenue and Forest Department that the land is reserved for Road Widening as per MMRDA's Development Plan and therefore NOC from MCGM and approval of MMRDA should be taken. He further informed that membership should be approved by Government and occupancy charges @ 20% of market rate as on 1<sup>st</sup> January of the year in which the allotment is made is leviable. The ACHS in its letter dated 02 Jun 2000<sup>32</sup> accepted in writing to accommodate 40% civilians as discussed in a meeting on the same day with Shri Ashok Chavan, Revenue Minister. The ACHS requested his help to reward and accommodate the Kargil Heroes. The Minister marked the ACHS's request to Secretary, Revenue and Forest Department.

**5.8** The ACHS in its letter dated 03 Aug 2000<sup>33</sup> addressed to Chief Minister of Maharashtra again appealed for allotment of the land by stating that 1 year of Kargil Operation has concluded and want to inform our members who struggled in the operation about good gesture of Govt. of Maharashtra. Chief Promoter further stated that the subject land which is a part of Block VI Back Bay Reclamation is already in possession with the Local Army Authorities with compound wall and gate and requested for modification of the development plan for road widening and expeditious action for allotment of land for construction of houses.

**5.9** During the period from 2000 to 2002<sup>34</sup>, the MLC Shri Kanhaiya Lal Gidwani, Joint Secretary, ACHS pursued the matter of allotment of the land in question by writing a number of letters to various authorities including Chief Minister of Maharashtra. The Govt. of Maharashtra acceded to the request made by ACHS and initiated steps for reducing the proposed width of Captain Prakash Pethe Marg and vide Order Dt. 28 Feb 2001, the MMRDA was directed to initiate modification to the development plan by taking recourse to the provisions of Sec.37 of MRTP Act.

**5.10** After Urban Development Department approved modifications of deletion of 60.97 mtrs. wide road leading to South Colaba Harbour Link and changing width of Capt. Prakash Pethe Marg from 60.97 mtrs to 18.40 mtrs. in 10 Apr 2002<sup>35</sup>, Revenue and Forests Department of Government of Maharashtra issued Letter of Intent (LOI) dated 18 Jan 2003<sup>36</sup> subject to conditions stipulated therein.

**5.11** Shri Saurav Ray, DEO, Mumbai emphatically opposed the transfer of land of Khukri Park to Adarsh Society, in his various letters dated 16 June, 2003, 14 and 25 Jul 2003<sup>37</sup>. He raised pertinent issues such as

- Objection to allotment of prime land. Land to be negotiated as per 1958 agreement of MOD/GOM
- Dropping of proposal by Army HQ of acquisition of 120 acres land was not related with exchange for Santa Cruz land.

- Withdrawal of NOC in organisational interest.
- A park with compound wall existed in the said land worth approximately Rs. 49 crore and maintained by the Army.
- Multi storeyed civilian controlled building inside defence area is a security threat.
- Reduction of width of the road provided opportunity to construct residential accommodation for Navy.

**5.12** HQ, Mumbai Sub-Area (Col. Kapil Dev on behalf of the Sub Area Commander Brig. M.K.V. Panicker) wrote a letter to DEO, Mumbai, copy of which was marked to HQ, MG&G Area about the land on 04 Jul 2003<sup>38</sup> stating that:

- Efforts to prevent transfer of Khukri Park by Govt. of Maharashtra to ACHS by DEO, Shri Saurav Ray were appreciated.
- That Sub Area which is in physical possession of the land was not aware of any documents to the contrary, and ownership had not been questioned by anybody till then.
- In case the land did not belong to Military, BEST Depot would have been constructed on this land or expanded over it.

**5.13** The interventions by DEO, Mumbai and Mumbai Sub Area at the time represent the only instance of objections being raised by field officers on record against the proposed handing over of the land to ACHS.

**5.14** Subsequently HQ, MG&G Area (Col. T.K. Sinha) on behalf of GOC, Maj. Gen.T.K.Kaul vide letter dt. 12 Jul 2003<sup>39</sup> stated that the jurisdiction of DEO to correspond on the proposal of allotment of land to ACHS is not understood especially since they have already given their opinion on their subject vide DEO letter Dt. 30 Mar 2000. It was further directed that communication on this subject with DEO will either be initiated or approved by HQ, MG&G Area. On the Defence Estates side, Shri M. Nautiyal, PDDE, Pune vide letter No 1921/DE dated 05 Aug<sup>40</sup> wrote to DGDE that there was nothing irregular about State Govt allotting a plot

to ACHS and Shri Saurav Ray, DEO was advised not to take any unilateral action in the matter.

**5.15** Just prior to the handing over of possession to the ACHS, there was a flurry of urgent correspondence on the security implications of the proposal, prompted apparently by concerns raised by the DGDE and the urgency in handing over of the plot to the ACHS. On 29 Sep 2004<sup>41</sup>, HQ, Southern Command, Pune addressed a letter to HQ, MG&G Area seeking comments on security implications by 01 Oct 2004 as regards transfer of a plot of land measuring 2000-2500 sq.mtrs. at Block-VI, Colaba to the ACHS. On 30 Sep 2004<sup>42</sup>, HQ, MG&G Area asked for immediate comments of HQ, Mumbai Sub Area (Station Cell) on the security concerns raised by Director General Defence Estates (DGDE) . On the same day, i.e. 30 Sep 2004<sup>43</sup>, HQ, Mumbai Sub Area (Brig. S. K. Bharadwaj) under the signature of Col B.K.Sinha replied to HQ MG&G Area stating therein that the land in question has a big slum called Ganesh Murti Nagar on one side and Back Bay Bus Depot on the other side. Hence there is no security implication for the military cantonment. Again on the same day, i.e. 30 Sep 2004<sup>44</sup>, HQ, MG&G Area (Maj. Gen. T.K.Kaul), the signature of Lt. Col. D.K. Bahri replied to HQ, Southern Command Pune, stating therein that there were no security implications as regards transfer of plot of defence land to ACHS.

**5.16** Possession of Adarsh plot was handed over by the Collector, Mumbai to the ACHS on 04 Oct 2004<sup>45</sup>. On 22 Nov 2004<sup>46</sup>, for the first time the Adarsh plot was recorded in the Government of Maharashtra, Land Revenue records and in view of the ACHS's letter dt. 19 Jul 2004, the Revenue and Forest Department issued a corrigendum dt.16 Aug 2004<sup>47</sup> as per which two corrections were made in the Letter of Approval. The first was regarding the error in mentioning the correct area of the land in question from 375.82 sq.mtrs. to 3758.82 sq.mtrs. The second correction was significant; it was for deleting the words which indicated that "the land was in possession of the Defence Department". This seems to indicate a conscious effort to play down the fact of possession by the LMA, prior to its allotment to ACHS.

**5.17** During its inquiries, the Committee came across a circular issued by Ministry of Defence dated 03 Sep 1997<sup>48</sup> which stipulated that approval of Cabinet should be obtained before any transfer/ alienation of defence lands. We could not find mention of this circular in any of the official records of the dealing of this case. However, in the deposition of Col. Jog (then Col Q in Station HQ) before the Patil Commission, he refers to this circular, indicating that the military authorities concerned were aware of it. This circular should have been relied upon by the LMA and the DEO to prevent the alienation of the said land. Instead, the restriction on the alienation of “defence land” in the circular was circumvented by taking the position that it was “State Government land” since it “fell outside the defence boundary.”

**5.18** The unusual alacrity in processing of the issue of NOC by the Army and Defence Estate authorities has been adversely commented upon by the C&AG and all others who have looked into the matter. What should have been a bona fide reaction in such a case? This was best summed up in the official testimony of the Defence Ministry before the Public Accounts Committee, as follows –

“The other question is: Is there any fault of officers? I would say that yes, in the sense that if I have a land in possession with me from 1980 onwards, I am using it. I have constructed a boundary wall around the plot. I am using it for certain kind of exercise by the Forces. I am doing all these things. Normally speaking, in such a situation when I am also trying to get that land from the Maharashtra Government: I am in possession of that land; I am using that land; even if it is not recorded as my land, I would generally try to see that I do not voluntarily part with that land but I will continue my efforts to get the land allotted/recorded in my name. Now, failure of an officer would be that instead of continuing that effort, if despite his effort the State Government had given that land, it is a different matter. But we would expect our own officers to make efforts to ensure that this land is actually not transferred to someone else.” (para 159 of PAC Report)<sup>49</sup>

**5.19** Similarly when it came to the handing over of the land to the ACHS following allotment, till the handing over, the land had remained in the physical possession of the LMA. Individual officers did make efforts to raise objections and oppose the proposed alienation of the land in occupation of the army. However, senior officers with vested interests showed considerable determination and resolve to expedite the transfer of the land. Objections and doubts expressed in particular by the then Station Commander and the DEO over the proposed handing over were not permitted to get in the way.

## **6. PHASES OF CONSTRUCTION**

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## **Processing of the proposal for allotment of land to ACHS**

**6.1** The Chief Promoter of Adarsh Co-operative Housing Society (ACHS), Shri R.C. Thakur, the then Sub-divisional Officer (SDO) in the Defence Estates Office, Mumbai, wrote a letter to the Chief Minister of Maharashtra in February 2000 for allotment of 3854 square metres of land in Block VI of Backbay Reclamation Scheme (BBRS) at Colaba, for the construction of a residential building, for the welfare of serving and retired personnel of defence services.

**6.2** Chief Minister of Maharashtra forwarded the request of the ACHS to Principal Secretary (Revenue), Revenue and Forest department (RFD), Government of Maharashtra with instructions to call for the proposal. Revenue and Forest Department, Government of Maharashtra forwarded the ACHS's proposal to the Collector, Mumbai city for report. The site was inspected by the Collector as per which it is indicated that the land was in possession of Army and a letter was addressed to General officer commanding (GOC) Headquarters, Maharashtra Gujarat & Goa (HQ, MG & G Area) requesting confirmation that there was no of Objection to allot the land to ACHS. HQ, MG & G Area replied to Collector, Mumbai informing that the requested land fell outside the defence boundary and action may be taken as deemed fit for the welfare of service personnel/ex-servicemen/their widows.<sup>50</sup>

## **Proposal for modification of development plan**

**6.3** The Collector, Mumbai City meanwhile informed in May 2000 to the Government of Maharashtra, Revenue and Forest Department (RFD) that the land sought by the ACHS was reserved for road widening as per Mumbai Metropolitan Region Development Authority's (MMRDA) development plan and therefore NOC from Municipal Corporation of Greater Mumbai (MCGM) and approval of MMRDA was to be taken. After calling for objections/suggestions from the public, the Urban Development Department (UDD) approved the modifications to the MMRDA Development Plan in April 2002<sup>35</sup> by deleting 60.97 metres

wide road leading to South Colaba Harbour link and changing the width of the Captain Prakash Pethe Marg from 60.97 metres to 18.40 metres and including the deleted area in Residential Zone, Parade Ground, Helipad, Garden and Brihan-Mumbai Electric Supply & Transport Undertaking (BEST) Depot. At this stage, Urban Development Department (UDD), Government of Maharashtra in October 2002 had sought NOC from Ministry of Environment and Forests (MOEF) for grant of development permission to the ACHS as the proposed development was permissible under the Coastal Regulation Zone (CRZ) notification and there was a change in land use i.e., some portion of the road proposed in the Development Plan converted into residential use. Meanwhile, The Revenue and Forest Department, Government of Maharashtra issued a Letter of Intent on 18 Jan 2003<sup>36</sup> conveying the intention of the Government to allot the plot of land to the ACHS subject to inter alia verification of eligibility of the proposed members by the Collector and obtaining of permission from MOEF.

#### **CRZ clearance from MOEF:**

**6.4** Subsequently, MOEF on 11 Mar 2003<sup>51</sup> stated that it had already delegated powers to the concerned State Governments for undertaking developments in CRZ II and the construction may be taken up as per the CRZ notification and the approved revised Coastal Zone Management Plan of Greater Mumbai. Interpreting the same as no objection certificate, Deputy Secretary, UDD informed the Chief Engineer (Development Plan) of Corporation stating that MOEF have communicated their no objection to allow the residential development.

#### **Grant of letter of allotment**

**6.5** Government of Maharashtra accorded sanction for allotment of land to the ACHS levying occupancy charges of 10.19 crore on 09 July 2004<sup>52</sup> and MMRDA approved the building plan of the ACHS in September 2004 had deducted 15 per cent FSI for Recreation Ground and issued Commencement Certificate for the building up to plinth level.

The plot was finally handed over to the ACHS in October 2004<sup>45</sup>. As regards the condition pertaining to eligibility criteria in the letter of intent, Collector, Mumbai conveyed that out of 41 members list submitted by the ACHS, only 19 were found eligible due to prescribed income limit and domicile criteria. In February 2005<sup>53</sup>, Government of Maharashtra amended the provisions of income\_limit and eligibility criteria which enabled many serving or retired Service Officers to become members.

### **Allotment of additional FSI of BEST plot**

**6.6** In between, as the membership list of the ACHS kept on expanding and to accommodate all the 71 members already approved by the Government, the ACHS wrote a letter Minister of State for Urban Development, Government of Maharashtra in March 2003<sup>54</sup> for allotment of additional FSI of adjoining plot of 2669.68 sq metres used by BEST as approach road. Minister of State for Urban Development Department informed the ACHS that the said land was reserved for BEST depot in the BBRS and therefore it was not permissible under the provisions of the DCR to use the FSI of that land on the adjoining land, the ACHS's request was therefore rejected. The ACHS did not give up its efforts to secure additional FSI in respect of the BEST plot and in July 2004<sup>55</sup> and again wrote a letter to Chief Minister requesting him to call a meeting of the concerned officers at the earliest to consider the request for additional FSI. A meeting was called on 14 Jul 2004 by Minister of State for UDD attended by concerned officers and it was agreed to approach the State Government for allotment of said land by deleting the reservation of the BEST Bus Depot by following due process of law u/s 37 of MRTP Act. In response to a reference made by the UDD the General Manager, BEST, informed UDD in January, 2005 that it was using the land as an access to Back Bay Depot since 1976 though the land was not in the possession of BEST and that the Government may decide on the request of ACHS, however, while allowing use of land as per the ACHS's request, BEST's interest should be fully protected by maintaining the status quo with regard to the access. Eventually, in August 2005<sup>56</sup>

Government of Maharashtra allowed the additional FSI of the adjoining land used by BEST to the ACHS.

### **Reference to High Rise Committee**

**6.7** MMRDA issued commencement certificate for construction of building on the subject plot in June 2007<sup>57</sup>, to MCGM up to four floors. There after the ACHS forwarded a proposal for the construction of the building up to 27 floors (stilt + 2 level podium + 27 upper floors) a height of 97.60 metres. On the proposal, MMRDA informed that the marginal open spaces and parking proposed were in accordance with DCR, 1991 and the proposal was referred to High Rise Committee which was set up by Government to scrutinise development proposals of all buildings having height more than 70 metres. High Rise Committee approved the proposal and NOC was issued by MCGM in September, 2007<sup>58</sup> for 3rd to 27th upper floors with a height of 97.60 metres up to terrace floor level (stilt+ 2 level podium + 1st and 2nd floor for commercial use + 3rd to 27th upper residential floors) MMRDA forwarded Commencement Certificate to MCGM from 5th to 27th floor In January 2008<sup>59</sup>.

### **Relaxation of FSI in respect of recreation ground**

**6.8** ACHS approached MMRDA in January 2009 to grant additional FSI in lieu of 15 per cent FSI for Recreation Ground deducted by MMRDA. MMRDA took up the case with UDD for approval to exclude the 15 per cent deduction on account of Recreation Ground which was initially rejected but later agreed for the same.

### **Regularisation of illegal additional floor**

**6.9** However, as against the approval for 27 floors issued by MCGM, the ACHS constructed 28 floors. ACHS again approached MCGM for grant of permission to regularize the constructed floor. In a meeting held in MCGM on 14 October, 2009 for considering the proposal of the ACHS for one additional floor which was already constructed by increasing the height to 100.70 metres (stilt + 2 level podium + 28 upper floors), where

as the NOC was issued for 97.6 metres. It was further submitted by ACHS that at the time the structural design of the building was submitted, it was for the height of 103.40 metres, thereby the High Rise Committee had already scrutinized the proposal for the height of the building of 103.40 metres, but as the Architectural Plans were submitted for the height of building as 97.6 metres, the NOC dated 01 September, 2007 was accordingly issued. Further as the required documents were already submitted at that time as per the requirements, the ACHS requested grant of permission to regularize the constructed floor without insisting on the clearance from the High Rise Committee. Municipal Commissioner, MCGM accepted the contention of the ACHS stating that there was no need to obtain fresh NOC from High Rise Committee, however, the appropriate authority i.e. MMRDA's approval may be obtained. MCGM informed the ACHS in November 2009 to obtain the approval of MMRDA for regularization of the additional 28th floor. The MMRDA then issued the NOC for the 28th floor in August 2010<sup>60</sup>, and issued Commencement Certificate for 28th floor directly to the ACHS.

**6.10** The Commencement Certificate was renewed on 22.01.2008 and 04.08.2010 for various stages of construction. On 21.04.2010, No Objection Certificate was issued by the Chief Fire Officer (CFO) of the Corporation. On 16.09.2010<sup>61</sup> MMRDA issued occupation certificate. In pursuance of various permissions, the ACHS had constructed building consisting of stilt plus two level podium plus 28 upper floors with built up area of 8401 sq.mtrs. on the subject plot.

#### **6.11 Timeline Table of Phases of Construction and Approvals**

Start Date	End Date	Description	GOC IN CHARGE
21/9/1999	7/8/2000	Request for land allotment	Maj Gen A R Kumar
19/02/2000	27/03/2000	Scrutiny of proposal	Maj Gen A R Kumar
29/03/2000	5/4/2000	NOC from Army	Maj Gen A R Kumar

12/5/2000	3/6/2000	Modification to development plan by which width of road reduced from 60.97 mtrs to 18.40 mtrs.	Maj Gen A R Kumar
28/02/2001	10/4/2002	UDD approved modifications by deletion of 60.97 metres wide road leading to south Colaba Harbour link and changing width of Captain Prakash Pethe Marg from 60.97 metres to 18.40 metres.	Maj Gen V S Yadav
5/10/2002	11/3/2003	Clearance from MOEF	Maj Gen V S Yadav Maj Gen T K Kaul
17/03/2003	5/8/2005	Additional FSI from BEST plot	Maj Gen T K Kaul
18/01/2003	9/7/2004	Sanction for allotment of land	Maj Gen T K Kaul
	4/10/2004	Handing /Taking over of land	Maj Gen T K Kaul
28/07/2004	1/9/2007	High Rise Committee approval	Maj Gen T K Kaul Maj Gen Tejinder Singh
11/7/2005	6/9/2005	Permission for construction up to plinth level	Maj Gen T K Kaul Maj Gen Tejinder Singh
	11/6/2007	Commencement certificate issued by MMRDA up to four floors	Maj Gen Tejinder Singh

12/6/2007	22/01/2008	Commencement certificate issued by MMRDA for stilt + two level podium + 27 upper floors	Maj Gen Tejinder Singh Maj Gen R K Hooda
2/1/2009	20/07/2009	Approval to exclude the 15 per cent deduction on account of recreation ground	Maj Gen R K Hooda
	30/10/2009	NOC by fire officer	Maj Gen R K Hooda
14/10/2009	4/8/2010	Regularization of illegally constructed floor and issue of commencement certificate for 28th floor	Maj Gen R K Hooda
	16/10/2010	Issue of occupation certificate	Maj Gen Sanjeev Chopra

## **7.INTERESTED PARTIES/BENEFICIARIES**

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**7.1** The irregularities and wrongdoing in the ACHS case are well known. The Committee has attempted to identify the interested parties and beneficiaries who at various stages of the case facilitated wrongdoings, protected or went along with wrongdoers, or blocked attempts at corrective actions, for personal benefits. For this, we need to look at the sequence of events, see what actions were taken, and identify the motivated or mala fide actions while considering what would have been the bona fide actions in such situations.

**7.2** As was brought out earlier, ambiguity in the records of the land in question enabled the Local Military Authority and Defence Estate Officers in collusion with Civilian authorities, to get hold of this prime land. While there were many players in this game, we are concerned with the role of defence services and Defence Estates officers only.

**7.3** This Inquiry Committee as per its terms of reference is confining itself to analysing the role of various officers of Armed forces and officers of Defence Estates Department. For this purpose, the posting profiles of all the officers who have become members of ACHS at some point of time or the other notwithstanding approval of such membership by Govt. of Maharashtra have been examined. The Committee examined the names which have figured in the Inquiry/Investigation reports or documents/records irrespective of the fact whether they have been members of ACHS or not. The issue pertaining to grant of membership and its final approval by the Collector of Mumbai/Govt. of Maharashtra was dealt in detail by the Justice Patil Inquiry Report. The three lists of proposed members submitted by the ACHS to the Collector, Mumbai were studied to examine the culpability of the officers/officials of Defence Ministry.

**7.4** The case of allotment of subject land to Adarsh Cooperative Housing Society has been mired in controversy ever since the process of allotment of this land commenced in early 2000. However, as we have noted, efforts to build the case for transfer of the land were made since 1997. On the military side, all Commanders and SOs dealing with land at HQ Mumbai Sub Area, HQ MG &G Area, HQ Southern Command and

Army HQ since 1999 are in some way responsible for acts of omission and commission. This chapter outlines the role of those officers who have directly dealt with the case or influenced it and/or who have been beneficiaries.

**7.5** Interestingly, many of the officers who became members dealt with issues related to land at Defence Estate Office, or Headquarters M & G Area and Mumbai Sub Area. A number of lists of the members of the Society have appeared from time to time with additions and deletions for whatever reasons. Inquiry by the Patil Commission and CBI investigations suggest that some of these officers may be holding 'Benami' flats. Any officer who had applied for membership and whose name appeared in any of the membership lists of the Society can be considered a beneficiary. Some attempted to surrender or dispose of the allotment once the project aroused controversy; that does not take away from the fact that they would have actively sought and obtained membership of the Society in the first place and thereby acquired vested interest in the matter. To better understand the role of various officers, we have looked at events in a chronological order as well as the role of various appointments corresponding to that period. Since the nodal agency concerned with this land deal was HQ MG & G Area, the role of officers holding various appointments has been examined based on the tenures of various GOsC MG & G Area. An officer may have served under two or more GOsC but his entire role has been examined only once. The tenure of various appointments is attached with the report<sup>62</sup>. The actual plan of action to get this land allotted to Adarsh Coop Housing Society was put, into effect during the tenure of Maj Gen AR Kumar. However, it seems the spade work had begun much earlier. It would therefore be prudent to first examine the pre Maj Gen AR Kumar period.

### **Preparatory Period: 1993-1997**

**7.6** Interested parties seem to have had started eyeing the subject land since 1997 or even earlier. There was an exchange of correspondence between Col. SD Tandon, SO Land, Station Cell and Shri Guruswamy, the then DEO Mumbai circle leading to a response on 07

Nov 1997<sup>15</sup> signed by Shri M Guruswamy, DEO and addressed to Station Cell stating that “There is no private land under unauthorised occupation of army. However, pocket of State Govt land in Block VI of Colaba Division is in unauthorised occupation by 8 Garh Rif in the form of a garden”. The land referred to in this letter is the same land which was later allotted to Adarsh Coop Housing Society. Both Col Tandon and Shri Guruswamy became members of the Society. During this period the other noteworthy appointments and their role as follows.

- **Col KJS Khurana** was Administrative Commandant from 09 Sep 93 – 18 Jun 95) and also a Beneficiary. He is a member of the Society. He was re-employed with effect from Oct 1997 and actively assisted then Brig TK Kaul (Commander Mumbai Sub Area [MSA] with effect from Jan 1999), as Staff Officer Land. Brig (later Maj Gen) TK Kaul was instrumental in pushing the Adarsh case.
- **Col (later Brig) AC Chopra** was Administrative Commandant from 19 Jun 95 – 22 Jun 97). There are no official records to connect him with case, yet he is a member of the Society. The officer would have been aware as Adm Comdt about the status of the land, yet he applied for and got the membership of ACHS.

#### **Role & Tenure of Maj Gen AR Kumar , GOC MG & G Area (Feb 1998 to July 2000)**

**7.7** The following officers served during his tenure:-

- Brig RC Sharma, (Deputy GOC) - Beneficiary.
- Col SS Jog, (Col Q) - Non-beneficiary
- Brig TK Kaul (Commander MSA) - Beneficiary
- Brig PK Rampal, (Commander MSA) - Beneficiary.
- Col RK Bakshi, (Administrative Commandant) - Beneficiary.
- Lt Col RK Singh, (SSO) - Beneficiary.
- Col SD Tandon, (SO Land Station Cell Mumbai) - Beneficiary.

- Shri M Guruswamy DEO, Mumbai circle Beneficiary
- Shri RC Thakur, SDO, DEO, Mumbai -Chief Promoter & Beneficiary

**7.8** Though the process of creating ambiguity about the land was initiated in 1997, the actual process of getting the land transferred to Adarsh Coop Housing Society was put into motion during the tenure of Maj Gen AR Kumar along with the then Sub Area Commander, Brig T K Kaul and later Brig P K Rampal, Administrative Commandant Col R K Bakshi and the DEO Shri M Guruswamy and Shri R.C.Thakur, SDO.

**7.9** Many file notings are not available; there is a possibility that some of the officers mentioned above may also be responsible for removing noting and records linking them to Adarsh Land Allotment. Maj Gen AR Kumar became a member of the Society. However, at present membership is held in the name of his son Lt Cdr A Puran Kumar.

**7.10 Maj Gen AR Kumar** presided over the following events that took place during his tenure:-

**7.11** In Aug 1999, the Society had tried for 10,000 sq mtr land falling under CRZ-1 on Pilot Bunder Rd (CS No 4/600). Dr SV Joshi, Principal Secretary Urban Development, Government of Maharashtra vide letter No TPB 2099/1093/CR 154/UD-12 dt 19 Aug 1999<sup>63</sup> sought NOC for this particular land as a special case from MOEF stating “the members of the Society are officers from Defence services who have dedicated their lives in the service of Motherland and deserve all special consideration and several members of the Society are even today fighting at Kargil and surrounding areas”.

**7.12** When the above project was turned down by MOEF vide letter dt 09 Sep 1999<sup>64</sup>, Society wrote to Chief Minister on 21 Sep 1999, to Revenue Minister on 31 Jan 2000 and again on 07 Feb 2000 to the Chief Minister for allotment of the present land. Contents of all the three letters are almost same. On 07 Feb 2000<sup>65</sup> the Society wrote to the CM requesting to allot the present land stating that “the land is fenced with a compound wall and is in physical possession of LMA . Society had negotiated with LMA for construction of houses and LMA had given go

ahead if some accommodation is provided for girls hostel for female children of Army officers serving in far flung remote and field areas. There is no need to widen Cuffe Parade Rd beyond BEST depot as Military area starts from there.” Mention of “Society had negotiated with LMA”, and “LMA had given the go ahead” indicates LMA consultation in the efforts of ACHS to get hold of land.

**7.13** On 29 Mar 2000<sup>26</sup> a letter from Collector of Mumbai was delivered by Brig MM Wanchu (Retd) to GOC, M & G Area stating that the Chief Promoter of Adarsh Co-Op Housing Society had requested the Govt for allotting Govt land for the residence of Defence Service personnel. It also stated that Military Dept had constructed a wall around the plot and hence the land was protected from encroachment. The letter asked to confirm no objection to allot the land to the proposed Society. As regards the existence of Khukri Park, it may be noted that MES works are executed only on A1 Defence land and are verified by DEO, before Administrative approvals are accorded by the sanctioning authority. All documents related to construction are missing.

**7.14** GOC made a noting on the letter stating that the letter was received from Brig Wanchu and directing that the status of the land be obtained from the Administrative Commandant/Station Cell and the DEO. This is one of the few notings that was not removed and is available on record<sup>66</sup>. This letter was actually collected by hand from Collector’s office by Maj MD Singh (Now Brig MD Singh) who was that time posted to SQA E Mumbai. Copy of the letter on which receipt has been signed by Maj MD Singh has been obtained from Collector’s office<sup>67</sup>. The whole thing was apparently premeditated and closely coordinated. It is highly unusual that Maj MD Singh obtained a letter by hand from Collector’s office, which was later delivered by hand by Brig (reted.) Wanchu to GOC, MG & G Area.

**7.15** On 30 Mar 2000<sup>27</sup>, HQ M & G Area asked DEO Mumbai to confirm status of the land. The reply was asked by 01 Apr 2000. DEO Mumbai, Shri M Guruswamy replied on the same day vide letter dt 30 Mar 2000<sup>28</sup> that the land in question forms part of Block VI of Colaba

Division which belongs to the Government of Maharashtra and falls outside the defence Boundary.

**7.16** On 05 Apr 2000<sup>29</sup>, by a letter signed by Col SS Jog, Col Q, the HQ M & G Area informed Collector's office that the said land fell in Block of Colaba Division (Back Bay Reclamation Scheme VI), which fell outside the Defence Boundary. Necessary action at their end could be taken as deemed fit for the welfare of Service per / Ex Servicemen / their Widows. However Col SS Jog who had signed the letter made a separate noting on file on 06 Apr 2000<sup>68</sup>. The contents of the noting which was initialled by DAQMG are as under:-

- The draft reply was finalized amendments having been vetted by Deputy GOC and Deputy GOC in Chain.
- It was ascertained that Brig Wanchu wanted to develop above land for kith and kin of Servicemen / Ex Servicemen / their Widows.
- It is reiterated that No repeat No NOC was given.
- This minute sheet be kept as a records for future reference if need be.

**7.17** On 16 May 2000<sup>69</sup>, Col Q, HQ M & G Area, Col SS Jog, wrote to Collector's office that the cost of the wall constructed by the Army Authority be duly compensated by the Adarsh Co-Operative Housing Society in the event of the said land being leased to the Society for welfare of service/ex-servicemen/their widows.

**7.18** The Society had been insisting that there was no need to widen Capt Prakash Pethe Marg as originally planned in the MMRDA Development Plan of 1981 – 2001. Society had made this request to the Chief Minister on 07 Feb 2000. Finally their efforts paid off and on 10 Apr 2002<sup>35</sup>, Govt of Maharashtra issued modifications the width of Capt Prakash Pethe Marg was reduced from proposed 60.97 mtrs to 18.40 mtrs. The 42.57 mtr wide strip of land thus made available along Capt Prakash Pethe Marg was earmarked for Parade Ground, Helipad and Garden, BEST Depot and Residential Zone. The land allotted to Adarsh

Co-Op Housing Society falls under this 'Residential Zone'. All Govt officials involved in this game plan became members of the Society.

**7.19** The key event in the whole case is the according of the No Objection by the LMA to the allotment of the land to ACHS. This action was critical, and the land was in physical possession of the Army, fenced in with a compound wall, with a thick tree cover of more than 100 trees (DEO's letter dated 02 Jul 2003<sup>70</sup>) In normal circumstances, if there was no vested interest, we would expect that any move for alienation of such a plot of land would be vehemently opposed by the LMA, and steps taken for the rectification of the ambiguity in the status and its regularization on the land records. Government orders of 3 Sep 1997<sup>48</sup> put severe restrictions on approval of cases of alienation of defence land. This was not mentioned by anyone in the chain of command. Instead, the lack of recorded status of the land was taken advantage of and a letter was obtained from the DEO to facilitate the transfer to ACHS. Maj Gen Kumar and his colleagues were responsible for taking the first and most important step towards alienating land in their occupation in favour of Adarsh Society.

**7.20 Brig RC Sharma** was Deputy GOC from 24 Aug 99 – 31 Aug 02 with Maj Gen AR Kumar and Maj Gen VS Yadav.

- The two line letter to Collector Mumbai which is construed as NOC was vetted by him and the GOC. The letter had been drafted with lot of deliberation as is evident from Col Q, Col SS Jog's noting.
- During his long tenure of three years, the game plan of the Society fructified. His appointment as Deputy GOC and membership of the Society is pointer to his contribution towards the cause of the Society. All major events leading to the allotment of subject land to Adarsh Coop Housing Society took place in his tenure with his efforts and guidance.
- He appears to have worked in collusion with Maj Gen AR Kumar, Maj Gen YS Yadav, Brig TK Kaul, Brig PK Rampal, Col RK Bakshi and Shri M Gurusamy.

**7.21 Col SS Jog** was Col Q, MG & G Area from 05 Oct 99 – 04 Jul 01. As Col Q, Col SS Jog was responsible for land matters.

- The 'NOC' was processed under him. He would be fully aware of this shady land deal, yet he did not oppose it. Though he is not a member of the Society but he went along with the perpetrators of the land grab.
- It seems that to avoid being implicated at a later stage he wrote a noting for posterity highlighting the active role of the GOC and Deputy GOC. The noting indicates his awareness of the wrongdoing. He was also aware of the 1997 Government orders as indicated in his deposition before the Patil Commission of Inquiry, and yet he did not point it out on record.
- Col SS Jog was Col Q, MG & G Area under Maj Gen AR Kumar and later Maj Gen V.S. Yadav. His entire tenure was under Brig RC Sharma. Thus his IO (Initiating Officer for the confidential report) and ROs (Reviewing officers) were members of the Society. In the strict hierarchical set up of the services, it is likely that despite not being a beneficiary, he would have had no practical option under the circumstances except to go along with the proposal.

**7.22 Brig PK Rampal** was Commander MSA and Station Commander from Jan 2000 – Apr 2002).

- Brig PK Rampal, as a member of the Society, was aware about the Society's efforts in Aug 1999 to get the 10,000 sq mtrs of foreshore land falling under CRZ-1. He would also be aware that the Society in collusion with the DEO, Shri Guruswamy, his predecessor Brig TK Kaul, Deputy GOC, MG & G Area, Brig RC Sharma and GOC, M&G Area, Maj Gen AR Kumar had identified the present piece of land and about which the Society had already written to the Chief Minister on 21 Sep 1999.
- Major efforts were made to push the case through the Civilian Bureaucracy during his tenure as Commander MSA and Station Commander. Letters addressed to Revenue Minister on 13 Jan 2000<sup>24</sup>



and then again addressed to Chief Minister on 07 Feb 2000<sup>65</sup> by Adarsh Society regarding allotment of subject land to the Society suggest the active role and close coordination of the LMA in backing the efforts of ACHS to get the land.

- Being the Station Commander and custodian of defence land in Colaba Military Station, he was fully responsible for all activities leading up to the questionable letter of no objection to the allotment of land to ACHS.
- During his tenure, Govt of Maharashtra issued a notice on 03 Oct 2001<sup>71</sup> under Sec 37(1A) of MRTP Act calling for objections and suggestions from the public within a period of one month for the proposed reduction in width of Prakash Pethe Marg. No attempt was made to submit any views of the LMA.

**7.23 Col RK Bakshi** was Administrative Commandant from 23 Jun 1997 – 19 Aug 2000. He was subsequently re-employed as SO Land HQ MG&G Area: 27 Mar 03 - 20 Apr 05).

- His name does not appear in the final list of the members of the Society, however available documents show that his name figured in the list of 71 members issued by the Society on 23 Aug 2002. The Justice Patil Commission Report indicates flat No 602 in A wing was proposed to be allotted to him but the allotment does not appear to have materialised.(page 418)
- Col R K Bakshi, played a major role in Adarsh land allotment during his five years in Mumbai: three years as Administrative Commandant and later two years on re-employment holding the appointment of Staff Officer Land in MG & G Area. It may be noted that he served twice under Brig T K Kaul (later Maj Gen), another key architect of the allotment, as Administrative Commandant when Brig T K Kaul was Commander MSA and Station Commander and again as SO land on re-employed at HQ MG & G Area when Maj Gen T K Kaul was GOC MG & G Area.

- Way back in 1997, before the arrival of Maj Gen AR Kumar as GOC, Col R K Bakshi, by virtue of his appointment, would have been one of the main officers who, in coordination with the then DEO Shri M Guruswamy, identified the subject land and got declared the subject land to be in unauthorized occupation of 8 Garh Rif in the form of a garden. It has been noted above that, the society first tried to get another piece of 10000 sq mtrs of foreshore land. After the failure to get this foreshore land the Society fell back on the subject land which had already been declared by the DEO to be in unauthorised occupation of the Army.
- He seems to have assisted actively Maj Gen Kaul in getting the said land alienated by misrepresentation of facts about ownership of the land. In response to a Parliamentary question, it was wrongly stated that “Subject land has never been/is not under occupation of the Army”. (This was when he was looking after land matters during the reemployment period)

**7.24 Lt Col R K Singh** was Station Staff Officer from 1995 to 1998. He was a Member of the Society , worked under Col Bakshi and dealt with land issues. He would have been responsible for preparatory work for allotment of land for the Society when DEO, Shri Guruswamy issued the said letter.

**7.25 Col SD Tandon**, Staff Officer Land (Jun1995 to Apr 1999) was reemployed for four years at one Station.

- The grant of re-employment in Class A city for four years is a blatant aberration, indicating out of the way higher level support. He handled sensitive land related matters. He has served with Col Bakshi and Lt Col RK Singh.
- He seems to have been instrumental in the preparatory work for building up the case for allotment of land to ACHS, by initiating correspondence with the DEO apparently in order to obtain a response from DEO that the land in question was in unauthorized occupation of the Army. Records indicate that Col. S.D. Tandon initiated correspondence with the office of DEO, Mumbai Circle on 16

October 1997<sup>13</sup> directing him to submit a half yearly report of unauthorised occupation of land by the Army. Col. Tandon's letters repeatedly refer to instructions of higher authorities and also to discussion of Army Commander with the Chief Secretary in the Civil Military Liaison Conference (CMLC) of 15.06.1998<sup>14</sup>. However, the minutes of the CMLC do not record any such instructions. In June 1998<sup>72</sup> the office of DEO, Mumbai Circle, Colaba confirmed on request from the Station Head Quarters, Colaba that the land in Block VI is owned by State Government.

- The correspondence exchanged between Col. SD Tandon, Adm. Comd., Station HQ, Colaba and Shri Guruswamy DEO, Mumbai Circle appears to be for the purpose of highlighting the ambiguity in the status of the said land, and building a case for the subsequent request for allotment to the ACHS. In the year 2000, ACHS addressed another letter to the Chief Minister, Government of Maharashtra; this time very specifically for allotment of 3854 Sq.Mtrs land in Block VI of Back Bay Reclamation Scheme, Colaba for construction of residential building for welfare of serving and retired Army personnel.
- Initially Col Tandon had become a member of ACHS, which he later surrendered in favour of his son. His son Maj Ashish Tandon is a member of the Society. He was allotted Flat No 2001, of 1076 Sq ft, at a cost of Rs 79 lakhs. Membership was transferred to him by his father (Pages 390-391 Commission Report)

**7.26 Maj M.D. Singh** was the SQAE from 16 Jan 1995 to 19 Apr 1999. Maj Singh was a member, and was allotted Flat No 704 in Adarsh. His role was that he collected the NOC letter from the Collector office by hand and handed it over to Brig Wanchu (retd.), the Secretary of the Society, who in turn handed it over to Maj Gen A.R. Kumar.

### **Role & Tenure of Maj Gen VS Yadav, GOC, MG &G Area (21 Jul 2000 to 17 Nov 2002)**

**7.27** Maj Gen Yadav succeeded Maj Gen AR Kumar as GOC, after the issue of the NOC. The following officers served during his tenure:-

- Brig RC Sharma, Deputy GOC - Beneficiary.
- Col SS Jog, Col Q - Non-beneficiary
- Col TK Sinha, Colonel Q - Beneficiary.
- Brig (Later Lt Gen) PK Rampal - Beneficiary.
- Brig MKV Panicker, Commander MSA - Non-beneficiary
- Col SK Joshi, Adm Commdt, Stn Cell - Non-beneficiary
- Col LC Midha, Adm Commdt, Stn Cell - Beneficiary
- Shri Harish Prasad, DEO - Beneficiary
- Shri Saurav Ray, DEO - Non-beneficiary

**7.28 Maj Gen Yadav** became a member of the Society. Brig RC Sharma, Brig Rampal and Col TK Sinha on his staff would have helped him coordinate the affairs. He was the GOC at a time when the land had yet to be allotted to ACHS, still was in the possession of the LMA, and there would have been many opportunities to object or stall the allotment, had he so desired. But he had a vested interest in not doing so. Being GOC, it is implausible that he did not get briefed on the issue and was not aware of what was being done with a strategically located plot of land in the long occupation of the army. His act of omission is indicated in his not raising at any stage or in any manner the issue of ownership or possession of land and related security issues.

### **Role & Tenure of Maj Gen TK Kaul, GOC, MG& G Area (18 Nov 02 to 31 Jul 05) :**

**7.29** The officers who served during the tenure of Maj Gen TK Kaul are as under:-

- Brig Akhil Chaturvedi, Deputy GOC.
- Brig MKV Panicker,
- SK Bhardwaj, Commander, MSA
- Brig PS Paul, Commander, MSA
- Col TK Sinha , Colonel Q -Beneficiary
- Ajay Saxena, Colonel Q.
- Col LC Midha, Administrative Commandant - Interested Party
- Col MS Jaswal, Administrative Commandant
- Col BK Sinha, Administrative Commandants
- Shri Saurav Ray , DEO
- Shri Ashwini Kumar, DEO

**7.30 Maj Gen Kaul** had earlier tenanted the appointment of Commander Mumbai Sub Area and Station Commander from Jan 1999 to Jan 2000 and was well versed about the land issues as the officer directly responsible for the same. From the sequence of events that transpired, and his key role in these events, he can be said to be one of the main architects and brain behind the entire Adarsh enterprise in collusion with Shri M Guruswamy, DEO and Shri R C Thakur, SDO. He seems to have been ably supported in this enterprise by the Administrative Commandant, Col RK Bakshi and Col LC Midha, Adm Commandants. He assumed charge as GOC on 18 Nov 02 and seems to have with single minded purpose overcome all the opposition to allotment of land to Adarsh Society. The following notable events occurred in the case during the tenure of Maj Gen Kaul :-

**7.31** GOM vide their letter No LBR/25-2000Pr No 912/J-2 dated 18 Jan 2003<sup>36</sup> had informed Adarsh Society that the land was in possession of Defence Department. In the allotment letter of even No dated 09 Jul 2004<sup>52</sup>, Revenue and Forest Department mentions no survey No and states that the land is at present under possession of Defence Department. At the insistence of the Society an errata was issued on 16

Aug 2004<sup>47</sup> by the Government deleting the operative sentence “which is at present under possession of Defence Department”. There was no objection by the Army authorities to the deletion, which seemed to be an attempt to wipe out the record of possession of the land by the Army.

**7.32** Shri Saurav Ray, DEO, Mumbai from Sep 2002 red flagged the issue. He opposed the transfer of land of Khukri Park to Adarsh Society, in his various letters dated 16 June, 14 and 25 Jul 2003<sup>37</sup> expressing concern over pertinent issues such as security, organisational interest, cost of the assets created, reduction of width of the road etc. The then Commander MSA Brig M.K.V. Panicker appears to have supported the objections raised by DEO in appreciating the efforts of DEO to prevent transfer of land to ACHS. In his letter to DEO, Mumbai, on 04 Jul 2003<sup>38</sup> it was stated that the land was in the possession of the LMA and this had not been questioned till then.

**7.33** This was curbed ruthlessly by Gen Kaul with a curt missive from HQ MG&G Area to HQ MSA, vide their letter No 3009/Gen/Q/L dated 12 Jul 2003<sup>39</sup>, signed by Col TK Sinha, Col Q which directed that “ Land records for Mumbai are held with this HQ. Any Communication on this subject with DEO or any outside agency will either be initiated or approved by HQ M & G Area. This may be implemented strictly.” This is extremely strange, as the Local Military Authority, who as Station Commander is the main interface with the DEO, was asked to “Lay Off”. But thereafter for obvious reasons, MSA could not, and did not, interfere in the matter.

**7.34** The PDDE Shri K.M.Nautiyal (neither member nor a beneficiary) vide letter No 1921/DE dated 05 Aug<sup>40</sup> 2003 also seems to have dampened the efforts of his officer when he wrote to DGDE “that there was nothing irregular about State Govt allotting a plot to Adarsh Society. Shri Saurav Ray was advised not to take any unilateral action in the matter”.

**7.35** The response of MG & G Area to these observations was quick, well-orchestrated to create confusion. Letters were addressed to HQ Southern Command/PDDE, SC, Pune on 04 Aug 2003<sup>73</sup> stating that the said land is not defence land and land belongs to Govt of Maharashtra and LMA had no jurisdiction nor any involvement in it. In response to a Parliamentary Starred Question DY No 568 & 572 provisionally admitted for 18 Dec 2003', on "whether the subject land has been in the occupation of Army/is still under the occupation of the Army'", HQ MG&G Area under the signature of Col R.K.Bakshi replied vide their letter No 3003/34/BB/Q (L) dated 13 Dec 2003<sup>74</sup>, that the subject land "has never been/ is not under occupation of the Army'", thus deliberately misleading higher authorities. The same information was conveyed by HQ Southern Command vide letter dated 13 Dec 2003 signed by Brig. Parvinder Singh to Army HQ. This was when on the ground the said land was still under the physical occupation of the Army. This response would have passed the muster of several senior officers who were in the chain of Command some of whom were members of ACHS.

**7.36** During his tenure Lt Gen Sihota, GOC in C Southern Command and Lt General Shantanu Chowdhury, VCOAS became members of the Society, with exceptions by changing rules of domicile. (Commission Report pg 363 to 367). Unsurprisingly, Maj Gen Kaul seems to have got full support at HQ Southern Command and higher authorities.

**7.37** On 08 Mar 2004<sup>7</sup>, Ms Veena Maitra, the DGDE in a note to CVO, MoD brought out following facts indicting HQ MG&G Area and Shri Thakur stating that the ACHS land was under long occupation of Army, NOC was given because senior officers had become members of the Society, role of Shri R.C.Thakur was central as chief promoter, it is a setback to efforts to get Block VI land from State Government and there were security concerns.

**7.38** HQ Southern Command vide their letter No 200683/116/Q(L) dt 25 May 2004<sup>75</sup>, addressed to ADG, LWE, Army HQ justified the stand taken by MG&G Area and criticized the DGDE, indicating identical stand

of the Command HQ with GOC MG & G Area on this matter. Just prior to the handing over of the plot to ACHS on 4<sup>th</sup> Oct 2004, a reference received through the Command HQ asking about the security implications was responded to on 30<sup>th</sup> Sept 2004 by a letter from Mumbai Sub Area to MG & G Area, and again on the same day, by a letter from Area HQ to Command HQ that there were “no security implications” of the transfer of the said plot to ACHS.

**7.39** In 2005<sup>76</sup>, MMRDA, in the initial construction permission for construction up to the plinth had stipulated NOC be obtained from Army. No records for the same were presented by Uttara Maharashtra Sub Area to the Committee. It is not clear whether the NOC was given and records are missing, or that the NOC was not given and the construction was allowed to go on.

**7.40 Capt AP Singh** ADC to GOC was made a member, as a Benami for the GOC. Justice Patil Inquiry Commission opined that transaction of purchase of flat by Lt. Col Arun Pratap Singh is not a genuine transaction and he is only a benamidar of Mrs Priyanka Lakdawala who is the daughter of Maj Gen. T K Kaul.

**7.41 Brig SK Bharadwaj**, the Commander MSA from January 2004 to January 2005 was not a member or beneficiary of ACHS. However, as Commander Mumbai Sub Area, he reported on 30<sup>th</sup> Sept 2004 to MG & G Area that the said land had “no security implications,” thereby facilitating the handing over of the land to ACHS on 4<sup>th</sup> October. Although this is likely to have been under orders of his superior officers, in doing so he lost the very last opportunity of stalling the transfer.

**7.42 Col TK Sinha** was the Col ‘Q’, MG&G Area from 05 Jul 2001 to 08 Sep 2003. He appears to have supported the GOC totally in this venture, and seems to have been an important advisor. He is one of the officers charged by the CBI for criminal conspiracy. He was allotted a flat (Commission Report pg 410-411) and was a beneficiary. Col Sinha had two tenures in Mumbai, second being in CSD Adelphi. His posting were a blatant aberration of army personnel policies, in that he got two Class A that too same city postings. It could not have been possible without



higher level involvement and support. He belonged to the same Regiment as Maj Gen Kaul. He appears to have been a key member of Team Adarsh during his service tenure; a role which has grown since. Currently he is the Chairman of ACHS.

**7.43 Col LC Midha** was the Administrative Commandant, from 01 Sep 2001 to 30 Nov 2003. During 2002, he instructed the Unit in charge of the Khukri Park not to allow any illegal encroachments, stating that the said defence land had boundary wall all around. Despite his awareness of the status of Khukri Park, he applied for membership of ACHS and became a member in the third list proposed by ACHS. , His membership was not finally approved by Govt of Maharashtra. Subsequently, he signed off on the MSA letter dated 22 July 2003<sup>77</sup> that indicated that the subject land was of the State Government.

#### **Role & Tenure of Maj General Tejinder Singh, GOC, MG&G Area(01 Aug 05 to 11 Oct 07).**

**7.44** The following officers served during his tenure:

- Brig Akhil Chaturvedi, Deputy GOC.
- Brig PS Paul, SK Bhardwaj and Arjun Menon, Commanders MSA.
- Col Ajay Saxena and IS Sachdeva, Col Q.
- Col BK Sinha and VK Bajaj, Adm Commandants.
- Shri Ashwini Kumar and BA Dhayalan, DEOs.

None of them were members of ACHS or beneficiaries.

**7.45 Maj Gen Tejinder Singh** appears to have raised initial objections in order to get the membership of ACHS. Between 31 Oct to 24 Nov 2005, HQ MG&G Area wrote a few letters to Adarsh Society for uprooting of trees from the said land and replanting them in Defence land without sanction. Issue of security was flagged to the Collector due to high rise building being constructed in close vicinity. This concern for security, expressed by the Area HQ for the first time, was not followed up. Letters

stopped abruptly, probably linked to his getting the membership of ACHS.

**7.46** During his tenure, GOM, UDD permitted the Society to exploit 15% of the area commercially in which no objection or concern was expressed. Further, the construction of the building was underway and the building overlooked the Colaba Military Station which was visible from the GOC's office. Security issues relating to the building would be a real and visible concern by this time, but were not pursued by GOC even though they had been raised by him, leading to the inference that they were not raised out of a genuine concern for security, but out of vested interest.

**Role & Tenure of Maj Gen RK Hooda, GOC, MG&G Area (12 Oct 07 to 12 Jul 10).**

**7.47** The following officers served during his tenure:

- Brig Arjun Menon, Bobby Mathew, Rakesh Nandan, Commanders MSA.
- Col Sachdeva and Col R Raina, Cols Q.
- Col VK Bajaj and Col Deepak Dadhwal, Adm Commandants.
- Shri B. A. Dhayalan and Ms Geeta Perti ,DEOs

None of these officers were beneficiaries.

**7.48 Maj Gen Hooda** continued the support to the ACHS like his predecessors. The ACHS building construction was completed in 2010 during his tenure. He would have been acutely aware every day of the building dominating the CMS skyline, which was visible through his office window. At no time did he raise any security concerns, which was a primary responsibility of his. As a beneficiary, he had a strong vested interest not to do so.

**7.49** Though there is no indication of direct involvement of other Senior Officers, however, some incidental and deliberate patronage was provided. Membership of seniors precluded the subordinates to raise or

flag the issue. Some of them became members of the Society and were allotted flats as is covered in the Patil Commission Report.

**7.50** It is not possible that Senior Officers visiting HQ MG&G Area did not notice this construction and raise queries about it from security point of view, or that they were not briefed about land issues in Colaba, of which ACHS was the most prominent and controversial. Security inspections also do not bring out any mention of the threat posed by Adarsh. The views of these officers may have been influenced by the fact that very senior officers became members. This omission stands out.

### **Role of Defence Estates Officers & other key persons**

**7.51** The following officers were involved in facilitating the land allotment to ACHS.

**7.52 Late Shri M. Guruswamy**, DEO was one of the two leading players in the ACHS matter from the Department of Defence Estates. The late Shri M. Guruswamy, DEO was an interested party but not a beneficiary. He joined Indian Defence Estates Service on 6.12.1996 and served as DEO, Mumbai from 2nd Mar 1997 to 26 June 2000. Thereafter he served as Dy Director General, Defence Estates at DGDE , New Delhi from 16 Oct 2000 to 09 Sep 2003 . He voluntarily retired from service on 20 Aug 2004. He applied for membership in ACHS and his name appeared in the second and third list proposed by ACHS for approval of Collector, Mumbai. However, the membership was not finally approved due to eligibility criteria adopted by Govt. of Maharashtra.

**7.53** In response to a letter written by Col S D Tandon, Staff Officer (Lands) in Station HQ, Colaba, Mumbai, DEO Mumbai Circle (M Guruswamy) wrote a letter to Station Cell -.... ' there is no private land under unauthorised occupation of Army in Mumbai. However, a pocket of State Government land in Block VI of Colaba Division is in unauthorised occupation by 8 Garh Rif in the form of a garden'. Again on 30<sup>th</sup> March, 2000, Shri M. Guruswamy confirmed to the HQ, MG & G Area that the requested land formed part of Block VI of Colaba Division (Backbay Reclamation Scheme-VI) belonged to State Govt of

Maharashtra and fell outside the defence boundary. There was no record available in the office of DEO, Mumbai Circle to corroborate the statement that the land belonged to Govt. of Maharashtra. The Committee perused the records and found that all the notings corresponding to both the letters issued above were put up by Shri R.C. Thakur, the chief promoter of ACHS in his capacity as SDO II in the office of DEO, Mumbai.

**7.54 Shri R.C. Thakur,** ADEO(Retd) was the real mastermind of the scam in the Defence Estates Department was Shri R.C. Thakur, Asst. Defence Estates Officer. Shri R. C. Thakur is the chief promoter of the ACHS and is also a beneficiary. He joined the Department Of Defence Estates as Surveyor Drafts Man on 01.01.1971 and retired as Asst. Defence Estates Officer from Pune on 28.02.2010. The posting profile of the official is as under:

SERVICE PROFILE OF SHRI R.C. THAKUR, ADEO (RETIRED ON 28/02/2010) OF DEO PUNE CIRCLE, PUNE				
Sl No	Establishment	Appointment	Date of Beginning	Date of Ending
1	DEO Bombay	S/D Man	01-01-1971	18-10-1972
2	DEO Ahmedabad	S-D Man	19-10-1972	16-12-1976
3	DEO Bombay	S-D Man	17-12-1976	18-04-1981
4	Sub-Office Kamptee	Officiating SDO	20-04-1981	31-05-1988
5	DEO Ahmedabad	SDO-III	14-06-1988	29-11-1991
6	DEO Bombay	SDO-II	02-12-1991	07-11-2002
7	DG DE New Delhi	SDO-II	20-11-2002	27-04-2006
8	DG DE New Delhi	SDO-I	27-04-2006	04-09-2006
9	DEO Pune	ADEO	12-09-2006	28-02-2010

**7.55** It is seen from the posting profile that out of his total service of 39 years in Defence Estates, Shri R.C. Thakur has spent 17 years in the Office of DEO, Mumbai and 7 years in Sub Office of DEO, Mumbai in Kamptee, around 4 years in the Head Quarters of the Department i.e. Directorate General DE at New Delhi and 3 ½ years in the Office of DEO, Pune from where he retired. This long stint in the Office of DEO, Mumbai as well as in the Head Quarters has facilitated easy access to all the records/information pertaining to the land in Block VI which was got allotted by him to ACHS in his capacity as chief promoter of ACHS.

**7.56** It is evident from the records that Shri R.C. Thakur while functioning as SDO II in the office of DEO, Mumbai from 02.12.1991 to 07.11.2002 dealt with the land matters and was instrumental in generating letters under the signatures of the DEOs to exactly suit the requirements of ACHS for getting the allotment of 3824.83 Sq. mts land in Block VI, Colaba by the Govt. of Maharashtra. Records inspected indicate that the draft letter as well as the corresponding note to the letter issued on 30.03.2000 by Shri M. Guruswamy the then DEO, Mumbai was also put up by Shri R.C. Thakur. The letter was worded in a manner to facilitate the issue of NOC by the LMA and further the cause of ACHS seeking allotment of land in Block VI. The statement that the land belongs to Govt. of Maharashtra was made in the letter despite the fact that there is no record available in the Office of DEO, Mumbai to support the same. It is also noticed from various land files of the office of DEO, Mumbai that issue pertaining to Block VI was entirely dealt with by Shri R.C. Thakur as is evident from the initials on the note sheets as well as the office copies of letters. This free and unhindered access encouraged Shri R.C. Thakur to manoeuvre and manipulate the information by which he succeeded in getting the allotment of land by Govt. of Maharashtra to the ACHS. Shri R.C. Thakur blatantly misused his official position to promote the ACHS and to further its cause. He has been chargesheeted by the CBI for cheating, criminal conspiracy and criminal misconduct as Accused no.1 in the case.

**7.57 Late Brig M.M. Wanchu** retired from Army in 1990. After his retirement he joined Tata Power Company, Mumbai and served with the company for about 8 years. Thereafter he settled in Pune. He got acquainted with Shri R.C. Thakur during the period from 1983 to 1986 when both of them, were at Kamptee. He played a major role in getting clearances from the HQ MG & G Area and for eliciting support from higher formations. He was accused by CBI of conspiring with the members of defence service officers with the intention of getting land in possession allotted to ACHS. On 29 Mar 2000, a letter from Collector of Mumbai was delivered by Brig. M M Wanchu to GOC, M&G Area and an endorsement was also made by the then GOC which shows his access to the officials in Area Head Quarters.

#### **Other Beneficiaries/Interested parties –Army**

**7.58 Late Col Amarjit Singh** applied for membership of Adarsh CHS after he retired from the Service. The Inquiry report of Justice Patil recorded a finding that the entire price of flat allotted to Late Col Amarjeet Singh was paid by M/s San Finance Corporation. The CBI authorities established in the Charge sheet that Late Col Amarjeet Singh is the benamidaar of Sanchetis.

**7.59 Late Maj. N.W. Khankhoje** applied for membership of Adarsh and was a beneficiary after the retirement from service. There is nothing on record to show his association or involvement in the ACHS case. However, the inquiry report of Justice Patil found that the allotment of bigger size flat was improper as per his declared income bracket. There are no other findings relevant to his case.

**7.60 Brig. H.H.Israni** appeared as a member in the first list of ACHS, but was not allotted membership finally. He was posted as DDG, NCC Directorate, Mumbai from 01<sup>st</sup> October, 1997 to 30<sup>th</sup> June, 1999.

**7.61 Lt Gen I.K.Varma** was a member of ACHS whose name appeared in the first list but not in the final list. As per the posting profile, the officer worked in the Integrated Army Headquarters, New Delhi from 26 July 1996 to 31 October 1999 when probably he retired from the service.

During the relevant period of these 3 years, records do not indicate any association with the ACHS case officially.

**7.62 Capt. K.H. Chaoji** name appeared as a member in the first list but not in the final list.

**7.63 Lt. Col.R.M.Jain** name appeared as a member in the first list but not in the final list.

**7.64 Col. S.K.Jain** name appeared as a member in the first list but not in the final list.

**7.65 Lt. Col.(later Brig.) H. S. Puri** applied for membership of ACHS. His name appeared in the first list submitted by ACHS but not in the final list. The officer served as QAD in SQAE (GS) ,Mumbai from 14 July 1997 to 18 May 2000.

**7.66 Maj. Ramesh Bakshi** name appeared in the first list of ACHS, but not in the final list.

**7.67 Maj. Tejbir Singh** name does not appear in the final list of the members of the Society, however available documents show that his name figured in the second list of 71 members issued by the Society in Aug 2002. Records do not indicate any association with the ACHS case officially name appeared in the second list of ACHS, but not in the final list.

**7.68 Lt Col PH Ram** retired from the Army on 31 Jan 1988. He is a member and an allottee of flat in ACHS and is a friend of Shri R.C. Thakur as per his deposition before the Inquiry Commission of Justice patil. Records do not indicate any involvement of Lt. Col. P. H. Ram in the ACHS issue officially. However, he obtained a loan from San Finance Corporation on a reference from Shri R.C.Thakur for purchasing the said flat. The CBI has charge sheeted him as Accused No. 23 as a benamidaar of Sanchetis.

### **Other Beneficiaries/interested parties ( Navy)**

**7.69 Commander Rajiv Pilo** was posted since 1986 till the date of retirement i.e. 31.01.2004 he was posted in Maharashtra. He has stated before the Patil Commission that while in Mumbai he came to know about ACHS from Shri R.C.Thakur and applied for membership. He appears to have been an active member as he was on the managing committee of the Society. However, there are no records to connect him with the wrongdoings in the case.

**7.70 Cdr A.S.Balakrishnan** retired from military service in the year 1986 and applied for membership in ACHS and he fulfils the required conditions for eligibility, his membership was approved.

**7.71 Lt.Col.P.S.Tampi** served in Indian Navy as a regular commissioned Officer from 1981 to April 2007 and took premature retirement thereafter. He was introduced to ACHS by Lt. Com. John Mathew and applied for membership. He is a member of the Society, though there are no records to connect him with the case.

**7.72 Admiral Madhvendra Singh** served as chief of Naval Staff and retired in the year 2004. He was earlier posted as FOC-in-C WNC from March 1998 to April 2001. He became a member of ACHS, but he resigned from membership in October, 2010 stating that he was given to understand that the society meant for Kargil war heroes turned out to be not so. However, he continues to be member of ACHS. As the Navy did not have any responsibility in land related matters, he does not appear to have had any direct role in the case.

**7.73 Lt.Cdr. A.Puran Kumar** obtained ACHS membership which was initially allotted to Maj Gen AR Kumar who is his father. Maj Gen Kumar and his colleagues were squarely responsible for taking the first and most important step towards alienating land in their occupation in favour of Adarsh Society.



**7.74** Cdr. John E Mathew was posted in Mumbai during the period from 1994 to 2004. He was introduced to ACHS by Shri R.C. Thakur and applied for the membership and got a flat of 650 Sq.ft. As per Patil Commission Report, he is ineligible for membership as he was already holding another flat in Powai which was allotted to him in 1989. There are no records to prove his connection with the case.

**7.75 Vice Admiral Madanjit Singh** was posted in Mumbai from 2003 to 2006 in which year he retired. He applied for ACHS membership in 2003 and later his membership was approved. As per Patil Commission Report, he is ineligible for membership as he was already holding another flat in Powai. There are no records to prove his connection with the case.

**7.76 Cdr. Harbhajan Singh** retired in 1989 while serving in Mumbai. He applied for ACHS membership in the year 2002 and his membership was approved. There are no records to prove his connection with the case.

**7.77 Lt. Cdr. Gurumukh Singh Grewal** Joined Indian Navy in 1963 and retired in the year 2002. He applied for ACHS membership in the year 2002 and was allotted the same. There are no records to prove his connection with the case.

**7.78 Capt. Praveen Kumar** served in Navy for 26 years and took retirement in 1996. He was introduced to ACHS by Shri R.C. Thakur and applied for the membership and got a flat of 650 Sq.ft. As per Patil Commission Report, he is ineligible for membership as he became permanent citizen of New Zealand in the year 2007. There are no records to indicate prove his connection with the case.

**7.79 Petty Officer Susheel Chandra Sharma** applied for membership in ACHS in 2004 and his membership was approved in 2007. He surrendered the membership in 2010 and the initial payment was refunded to him. However, he continues to be a member of ACHS as per Government of Maharashtra's information to PAC. There are no records to prove his connection with the case.

**7.80 Cdr. S.P. Singh** name does not appear in the final list of the members of the Society, however available documents show that his name figured in the list of 40 members issued by the Society in Apr 2000. Records do not indicate any association with the ACHS case officially.

**7.81 Rear Adm R P Suthan** name does not appear in the final list of the members of the Society, however, available documents show that his name figured in the 71 members issued by the Society on 23 Aug 2002. Records do not indicate any association with the ACHS case officially.

**7.82 Cdr. K.G.Singh** name does not appear in the final list of the members of the Society, however, available documents show that his name figured in the 71 members issued by the Society on 23 Aug 2002. There are no records to prove his connection with the case.

**7.83 Cdr. Gopal Bharti** applied for ACHS membership in 1999 and his membership was approved. There are no records to prove his association with the case.

**7.84 Lt. Cdr. Chunilal** served in Naval service and in Mumbai for 12 years. . He was introduced to ACHS by Lt. Col. Gurumukh Singh Grewal and applied for the membership in the year 2002 and his membership was approved in 2004. As per Patil Commission Report, he is the benamidar of Shri Sharad Madan. There are no records to prove his association with the case.

**7.85 Shri Manilal Thakur** is related to Shri R.C. Thakur. Their wives are real sisters. Shri Manilal Thakur retired from Naval service in 1986. Initially one Shri Sub Ramnarayan A Thakur applied for the membership, but later resigned from the membership in favour of Shri Manilal Thakur. As per Patil Commission Report and CBI investigation he is a benamidar of Sanchetis. There are no records to prove his association with the case in any official capacity.

**7.86 Cdr. Dilip Kadam** served in Naval service. His name does not appear in the final list of the members of the Society, however, available documents show that his name figured in 95 members list submitted by ACHS to the Collector, Mumbai. Records do not indicate any association with the ACHS case officially.

**7.87 Cdr. P R Tampi** served in Naval service. His name does not appear in the final list of the members of the Society, however, available documents show that his name figured in 95 members list submitted by ACHS to the Collector, Mumbai. Records do not indicate any association with the ACHS case officially.

#### **Other Beneficiaries/interested parties (Air Force)**

**7.88 Wg Cdr K V Bopardekar** name does not appear in the final list of the members of the Society, however available documents show that his name figured in the second list of 71 members issued by the Society in Aug 2002. Records do not indicate any association with the ACHS case officially.

**7.89 Air Commdr Hukumchand Berdia** name does not appear in the final list of the members of the Society, however available documents show that his name figured in the second list of 71 members issued by the Society in March 2003. Records do not indicate any association with the ACHS case officially.

#### **Other Beneficiaries/interested parties (Defence Estates)**

**7.90 Shri Paramanand K Hinduja**, UDC (Retd) is an interested party and beneficiary. He joined the Defence Estates department in clerical cadre on and retired voluntarily from service on 31.01.1989 is acquainted with Shri R.C. Thakur and during the inquiry by Justice Patil Commission, Shri Hinduja's allotment of flat in ACHS was found to be benami. He obtained a interest free loan from San Finance Corporation without any collateral security and the loan transaction was found to be not genuine by the income tax authorities. Shri Hinduja was not holding any official position during the relevant period of various phases of ACHS issue nor has he influenced the allotment of land. He has been chargesheeted by the CBI

in their supplementary chargesheet under the Benami Transactions Prohibition Act. The culpability of the retired official is criminal in nature and is being dealt with by the Courts and the concerned investigative agencies.

**7.91 Shri R P Singh**, Indian Defence Estates Service (Retd) was a member of ACHS but not a beneficiary as his membership was not finally approved. He worked as a DEO, Mumbai w.e.f 16.02.1994 to 18.11.1997. He applied for membership in ACHS and his name appeared in the first list submitted by the ACHS to Collector, Mumbai for approval. However, his name did not appear in the final list as he might have been found ineligible for allotment as per the criteria laid down by Govt. of Maharashtra. Though the origin of the ACHS has taken place during this period, Shri R P Singh had not dealt with any issues pertaining to allotment of land in Block VI. There is nothing on record to show wrongdoing on his part. In fact, on 11 Jan 1995, during his tenure as DEO Mumbai, he was the officer who after a gap of 20 years, had followed up the issue regarding transfer of the Block VI land in lieu of land transferred at Santacruz to Govt of Maharashtra for Western Express Highway.

**7.92 Shri Aditya Kumar**, Principal Director, Defence Estates (Retd.) is also an interested party but not a beneficiary. He applied for membership in ACHS and his name appeared in the second list submitted by the ACHS to Collector, Mumbai for approval. However, his name did not appear in the final list as he might have been found ineligible for allotment as per the criteria laid down by Govt. of Maharashtra. The officer never worked as DEO, Mumbai and the only relevant place of posting was Addl. DG DE (Lands) w.e.f 21.12.2001 to 28.02.2005 and then as Principal Director, DE, SC, Pune w.e.f 16.10.2006 to 30.06.2008. There is nothing on record to show any wrongdoing.

**7.93 Shri S.R. Nayyar**, DEO, Pune (Retd joined Indian Defence Estates Service on 11.06.1976 and retired as DEO, Pune on 30.09.2008. He functioned as Deputy Director, Defence Estates, Southern Command, Pune and CEO, Kirkee Cantonment for the period 05.09.2001 to

15.06.2005. He is a beneficiary through benami as brought out by the Commission of Inquiry headed by Justice Patil. Shri S.R.Nayyar and his wife provided finance to one Shri Vishal Kedari who is a vegetable vendor at Pune by profession and belongs to SC community with whom an agreement was made that in case of default of said loan that the flat would go to Shri Sevak Ram Nayyar. While there is no record of his having had a direct role in the official wrongdoings in the case, he is responsible for his criminal actions. The officer is also charge sheeted by the CBI for criminal offence under section 120B, 420 IPC read with Section 3 of Benami Transactions(Prohibition) Act, 1988.

**7.94 Shri Harish Prasad**, Sr. Addl. DG DE (Retd.) is an interested party and not a beneficiary. He joined Indian Defence Estates Service in 1985 and retired as Sr. Addl. DGDE on 31.10.2016. Shri Harish Prasad functioned as DEO, Mumbai w.e.f 20.06.2000 to August 2002. He applied for membership in ACHS and his name appeared in the second list submitted by the ACHS to Collector, Mumbai for approval. However, his name did not appear in the final list. Although the formal role of the DEO in the matter was virtually over by the time he joined in June 2000, since his predecessor had in March 2000 pronounced on the status of the land as an input to the NOC letter issued by the GOC, during his two-year tenure the land had neither been allotted nor handed over to ACHS. There was an opportunity for him to express concern over the issue and attempt to correct a wrongdoing, if he felt it necessary. That he was an applicant and a potential beneficiary of Adarsh would perhaps explain the omission.

**7.95 Late Shri K Subramanian** was member of ACHS, but not a beneficiary ultimately. He joined the IDES on 31 may 1960 and served as Director, Defence Estates Pune from 01 Feb 1989 to 30 Nov 1993 before retirement on superannuation. The officer never dealt with the issue during his service. He does not appear to have had any official role in the matter.

**7.96 Shri DK Reddy** was an interested party but not a beneficiary. He applied for membership of ACHS and his name appeared in the second list submitted by ACHS but not in the final approved list. He joined the Department of Defence Estates on 15 Mar 1969. He functioned as Director, Defence Estates, Southern Command, Pune from 08 Mar 1997 to Nov 2002 and also as Addl. DG DE (Lands) at Directorate General, DE at New Delhi from 26 Nov 2002 to 14 Aug 2002. He retired from service on 30 Apr 2004. He dealt with the issue in the year 2003-2004 for a very brief time at the Directorate General , Defence Estates.. He appears to have had no official role in the case.

**7.97 Shri R Srinivasan** is an interested party but not a beneficiary. He joined the Department of Defence Estates on 19 August 1961. He functioned as Defence Estates Officer, Mumbai Circle from 17 July 1970 to 3.7.1973. He succeeded the DEO immediately after formation of Pilot Bunder Cooperative Society, but there is nothing on record about his role or involvement in ACHS case except applying for membership. Shri R.C. Thakur joined the office of DEO Mumbai during his tenure and was evidently aware of land allotment to PBCHS.

**7.98 Smt Arti Kant**, IDES was a member of ACHS. She appeared in the third list submitted by ACHS, but not in the final list. She served as Military Estate Officer (then MEO, now DEO) in Mumbai from 26 Dec 1976 to 07 Aug 1980, much before the relevant period, and thereafter, the officer remained on deputation outside the department. Records do not reveal any official association with the case at any point of time.

#### **Important Appointments, Though Not Beneficiaries.**

**7.99** The following officers held important appointments but are not beneficiaries. They would undoubtedly have had a role to play in that they went along with the wrongdoings of their superiors. Arguably, they would have had little choice in the matter, since almost all the superior officers during these periods commanding the MG&G Area and the Southern Command were themselves members of ACHS and beneficiaries. They appear to have no direct culpability.

- (a) Col SK Joshi (Amd Comdt: 20 Aug 00 - 31 Aug 01).
- (b) Col MS Jaswal (Adm Comdt: 01 Dec 03 - 29 Aug 04).
- (c) Col BK Sinha (Adm Comdt: 30 May 05 - 31 Jan 07).
- (d) Brig PS Paul (Cdr MSA: Jan 05- Dec 05).
- (e) Brig SK Bhardwaj (Cdr MSA: Jan 04 to Jan 05; Dec 05 - Oct 06).
- (f) Brig Arjun Menon (Cdr MSA: Feb 07 - Nov 08).
- (g) Brig Bobby Mathew (Cdr MSA: Nov 08 - Dec 09).
- (h) Col Ajay Saxena (Col Q, MG & G Area: 09 Sep 03 - 08 Dec 05).
- (j) Col IS Sahdeva (Col Q, MG & G Area: 27 Jun 06 - 26 May 08).
- (k) Col R Raina (Col Q, MG & G Area: 27 May 08 - 26 Jun 10).

**7.100 Shri M. Nautiyal**, Principal Director, Defence Estates (Retd) is an interested party but not a beneficiary. He joined the Department of Defence Estates in 1971 as CEO, Babina. He functioned as Principal Director, Southern Command, Pune from 16.08.2002 to 30.09.2006. He retired from service as Principal Director, Southern Command, Pune on 30.09.2006. During his tenure as PDDE, Southern Command, Pune, the officer dealt with the ACHS case, and was the supervisory officer of Shri Saurav Ray, DEO who raised objections in the public interest and attempted to stall the proposed land alienation to ACHS. He does not seem to have been supportive of the DEO's stand; vide letter dated 5<sup>th</sup> Aug 2003 addressed to DGDE & copied to DEO Mumbai stated that the DEO has diluted issue of exchange of land in lieu of land at Santa Cruz by focusing on land proposed to be allotted to ACHS, and also that the land in Block VI belongs to state government having within its right to allot land to ACHS. He advised the DEO not to take unilateral action without consulting higher authorities on sensitive issues of this nature, thereby curbing the attempt by DEO to highlight the wrongdoing. Subsequently he wrote to DGDE vide letter dated 04 Mar 2004 on the need to pursue the case for the Block VI land exchange with the State Government, agreeing with the DEO only to the limited extent that allotment of Block VI land would affect the interest of the Defence Department.

However, since the officer was not himself an applicant/ beneficiary, vested interest cannot be presumed, and it is possible that the view taken by him may have been a bona fide perception based on his understanding of the issue.



## **8. LEGAL LACUNAE**

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**8.1** In order to point out the lapses and fix the specific responsibility on the officers of Ministry of Defence, the Committee examined the then prevalent dispensation on the issue of NOCs and security clearances by Local Military Authorities and in what circumstances security clearances are required or given and at what level. The Committee examined whether any instructions/SOPs/practices prescribed by the Ministry of Defence or Army Head Quarters on these issues were in force in the year 2000 i.e. the year during which the NOC in Adarsh case was given by Local Military Authorities in Mumbai.

**8.2** The Committee observed that the Defence Estates Officer, Mumbai circle is the designated authority under the Rules for maintaining the records of land owned by the Ministry of Defence and maintenance of Military Land Register (MLR) including that of Colaba Military Station wherein survey number wise Ownership, Land, area, persons in occupation, transfer or sale transactions and other details of the land held by the Ministry of Defence in the Station is recorded. The said MLR does not contain any information on the land on which ACHS stands today. Though the said land was under undisputed long possession of Army, records do not reveal information about any formal transfer of the said land to the Ministry of Defence. The State Revenue Authorities also on the other hand had no record about the land in question. This ambiguity regarding the recorded status of the land was apparently manipulated by various persons occupying the Government positions.

**8.3** We have seen that ambiguity in the recorded status of the land in question was built up over the years. The NOC was issued on the basis of a letter by the DEO certifying that the land fell outside the defence boundary, and the issue of NOC was not explicitly regulated by any instructions or SOPs. The Committee was informed in discussions that at that time there was no institutionalized mechanism for issue of NOC from the LMAs in non-notified areas. However, it was also ascertained that the Army ethos and practice in such a situation would typically be that land in occupation would not be given up easily. Where there was

doubt, the matter would be referred to higher authorities. Not only was this not done in this case, but the NOC issue was processed with unseemly alacrity, something commented upon adversely by Audit and earlier inquiries. MoD in its statement before the Public Accounts Committee has elaborated on this.

**8.4** The Committee in its inquiries found that there was a MoD circular of 1997 that did not permit alienation of defence land without Government approval – no mention of this was found in any letter or file dealing with the case.

**8.5** MOD in its clarificatory letter dated 6 January 2017<sup>30</sup> confirmed that except for Army establishments covered under WoDA, 1903, the discretion of providing NOC from security perspective was with the LMA. This discretion was prone to misuse, as is evident in this case. Correctly, therefore the MoD has issued guidelines in its letter dated 18 May 2011 read with amendments issued vide circulars dated 18 Mar 2015, 17 Nov 2015. These guidelines prescribe the procedure and competent authorities for issue of NoCs for building constructions in the vicinity of defence establishments. Subsequently, the Ministry of Defence reviewed the instructions further vide circular dated 21<sup>st</sup> Oct 2016<sup>78</sup> stipulated that security restrictions in respect of defence establishments/installations shall apply to 10 Mtrs and 100 Mtrs from the outer wall of such defence establishments/installations to maintain clear line of sight for effective surveillance and any construction or repair activity within such areas specified in the said circular.

**8.6** To a large extent, the issue of these instructions have plugged the lacunae that have been observed in this case. They have ensured that momentous decisions on alienation of defence owned and occupied land cannot be taken arbitrarily at the level of the LMA for local vested interests, and have built in checks and balances in the system.

**8.7** However, further tightening up of the regime is desirable, especially because the experience is that the enforcement of existing provisions is lacking. For example, there is an annual report on verification of boundaries of defence land that is supposed to be

generated based on joint inspection by the LMA and the DEO. The Committee could not find any such report for the years before the according of NOC to the land alienation in this case, implying that the inspections were not taking place. Then, there are a separate set of rules on Acquisition, Custody and Relinquishment of Military Lands known as ACR Rules, 1944, which define defence land more broadly. In view of the undisputed long possession and occupation of land by the Army, the ACR Rules could have been used in conjunction with the 1997 instructions on alienation of defence land to refer the matter to the Government of India. Annual security inspections by the Army Commanders also did not dwell on the security implications of the Adarsh building, due to vested interests by those involved on the spot.

**8.8** The Committee therefore recommends that further steps be taken to strengthen the regime and protect defence owned and occupied lands as follows –

- DEOs should be required to maintain a register of lands in their jurisdictions which are occupied by defence but not included in the MLR, as such lands (as in the case of Khukri Park/Adarsh) would be typically most vulnerable to encroachment and alienation. Appropriate senior levels may be prescribed to inspect these lands, and review actions needed to retain, release or acquire/ get mutated such lands.
- The existing system of internal Land Audit should be more formalised and strengthened by mandatory site inspections and reconciliation of records with the ground situation. The reports prepared and recommendations made in such internal audits should be monitored for effective follow up action prescribing strict time lines for the field offices
- The Adarsh scam was possible because the kingpin Shri RC Thakur, SDO was posted in the same office for eleven years at a stretch (1991-2002) allowing unparalleled opportunity for manipulating the systems. Limits need to be prescribed in a transfer policy for the

tenures of subordinate staff in particular in the Defence Estates offices dealing with land matters of a particular jurisdiction.

- LMAs must be held more actively responsible for land matters. An important exercise like the annual verification of boundaries does not seem to take place regularly. They need to ensure compliance with the requirement of reporting on the Annual Verification of Boundaries in their jurisdiction.
- Issues relating to all the land holdings held by the defence services, and that required by State Govt/ civil authorities for public purposes should be periodically reviewed by the GOC-in-C, preferably through the CMLC meetings. Zonal plans for land use reportedly take years to finalize; these should be finalized within the prescribed time frame by the Command HQs.
- The most important Government instruction on land at the time i.e. the circular of 1997 is not referred to in any of the records of the case. While there may be adverse motives here, there is also lack of awareness of instructions. There needs to be an effort made for better dissemination of Government policy and instructions on land matters, both through the Department Websites as well as in compilation form.
- Army Commanders should be required to make specific mention in their annual security inspection reports of issues relating to land which may have potential security sensitivity, and take action accordingly. If there are no such issues at that point of time, it should be so recorded.

The Committee also observed that the office of Defence Estates Officer, Mumbai Circle is lacking in support and infrastructure required to handle the needs of defence Land Administration in a Metro such as Mumbai. Offices responsible for such jurisdictions like other Metros, dealing with

the needs and pressures of increasingly valuable urban property held by the defence forces, should be strengthened and sensitised about their role and responsibilities in the safeguarding of public interest and protecting these valuable public assets. Efforts at training and sensitizing field officers to avoid the pitfalls and moral hazards in cases like this should also be intensified.

## **9. FIXING OF RESPONSIBILITIES: ACTS OF OMISSION AND COMMISSION**

**9.1** In line with the Terms of Reference, the Committee's approach has been to understand the events of irregularities/wrong doings and their background collate and establish the facts, in order to identify the defence officers responsible and indicate the extent of their role and responsibility.

**9.2** In attempting to assess the roles and responsibilities of individual Defence Services and Defence Estates Officers and their acts of omission and commission, the Committee considered first and foremost those who are members of the Society and thus also the obvious beneficiaries in this case. Where these beneficiaries were officers posted in Mumbai and responsible for decision-making or in dealing with the case, or were in the chain of command in a position to influence the case, there is an unavoidable presumption of vested interest in the actions taken leading to the wrongdoings that occurred. The role of these officers has been looked at accordingly.

**9.3** Another category of officers was of those who became members and were beneficiaries but were not posted in positions where they could have influenced the decision-making in the case. The profile and role of these officers has been assessed separately.

**9.4** On the other hand, there were officers directly handling the case or in a position to influence matters, but who did not seek to become members of the Society and were not beneficiaries. Such officers would not have a vested interest, but may be responsible for lapses, presumably under pressure. The Committee has attempted to differentiate here such officers who were party to wrongdoing, for whatever reason, and those that tried to stay clear despite the vested interests (and consequent pressures) of their seniors.

**9.5** In all cases, we have sought to identify the specific actions and events that indicate lack of bona fides and the role and responsibility of individual officers in the wrongdoing.

**9.6** For example, a critical action in the entire story is that of the issue of the letter of NOC by the MG&G Area HQ to the Collector in April 2000.



This has been the focus of previous inquiries and investigations, and wrongdoing has been established\_and\_a charge of criminal misconduct filed by the CBI. All those connected with this action seem to have lacked bona fides and were party to the wrongdoing in greater or lesser degree.

**9.7** Similarly, other identifiable acts of omission and commission are related to issues relating to building up a case for alienation of the land, denying of security threats posed by the high rise building of the Society, playing down the controversies, dismissing of external complaints and internal objections of conscientious officers, falsifying reports to Government, giving up of possession and handing over of the land to ACHS, protecting officers involved in wrongdoing etc. The actions of the senior officers have necessarily been viewed more critically, as their behaviour and actions set an example and send signals down the hierarchy, and the strict hierarchical structure and ethos of discipline of the services means that it is difficult for the subordinate officers not to fall in line.

**9.8** We first look at the senior officers who were beneficiaries of Adarsh, and examine whether they were directly involved or in a position of influence in this case. It was noted that in some of the cases, particularly relating to very senior officers, the dates of application for membership of the Society have been put either before or after the officer was in a position of influence. However, these dates assigned to the applications do not carry weight, as it has been admitted by the chief promoter before the Patil Commission that undated applications were taken and dates were assigned suitably after the application was submitted. Also in some of the testimonies, e.g., that of Vice Adm Madanjit Singh, it has been admitted that the application dates were not filled in by them.

## **SENIOR ARMY & NAVY OFFICERS**

### **Gen NC Vij**

**9.9** Gen Vij was GOC-in-C Southern Command in 2000-01 and then COAS from 2003-04, during the early critical period of approvals being

obtained by ACHS, the allotment of land, and handing over the possession by the Army authorities to the ACHS. As Southern Army Commander, he would be fully conversant with the case, as he himself was an allottee of a flat and a beneficiary.

**9.10** He appears to have provided a protective umbrella to the efforts of the MG&G Area and Mumbai Sub Area to facilitate the alienation of the land in question held in occupation of the LMA to the ACHS. At no stage did he raise any questions on the matter, nor did he flag any security concerns during the annual security review as Army Commander or otherwise.

**9.11** Subsequently, as COAS, he would be fully aware of the nuances of the case, having been the Army Commander earlier. An army chief is expected to maintain the highest standards of rectitude and correct behaviour and is a role model for all the officers in the service. His membership of the Society and securing allotment of a flat would have a dampening effect down the line on all the concerned officers, sending a signal to them to fall in line with those promoting ACHS, and discouraging even those who may have wanted to safeguard army's interest or speak out about the wrongdoing. This Report has brought out that during his tenure as Army Chief.

- Patronage was extended to the then GOC MG&G Area Maj Gen T.K. Kaul, a central figure in the wrongdoing, who has been charge-sheeted by the CBI.
- The land in the occupation of the LMA was allotted to and handed over to ACHS.
- Objections in 2003-04 by the DEO and one of the Sub Area Commanders attempting to prevent the allotment of the land were curbed and overruled.
- Misleading information on the status of occupation of the land by the LMA was given for a Reply to a Parliament question in December 2003.

**9.12** The entire hierarchy would be acutely aware that the COAS himself had a vested interest in the matter. This would have facilitated the above actions.

### **Gen Deepak Kapoor**

**9.13** Gen Kapoor was an allottee of a flat and a beneficiary of the ACHS case. He was the Vice Chief and then the COAS from 2007 to 2009, during the period when the ACHS building was under construction. He stated before the Patil Commission that he had got the membership on reference from Gen. Rampal, who was one of the key players in the case. He may not have had direct responsibility for any of the decisions in the case, but there were certain aspects of the case during this period that would have been evident to higher levels in the chain of command including him:

- Security implications – the high rise building of a private cooperative society towering over the Colaba Military Station had already given rise to apprehensions of future security implications in certain quarters.
- Controversy – By 2004, ACHS had already been a subject of complaints, adverse media attention, and determined efforts by the local officers to play down the complaints. Details of the case would be widely known in army circles.
- Visibility of the structure – the building is very close to and highly visible from the office chamber of the Area Commander, MG&G Area. It is also visible to any senior officer visiting MG&G Area HQ and could not possibly escape notice.

**9.14** In the light of the above, while not directly connected with the case, it can be said in hindsight that Gen. Kapoor was perhaps not well advised in accepting membership of the ACHS, and he does not seem to have adequately appreciated the full implications of his doing so. An army chief is expected to maintain the highest standards of rectitude and correct behaviour and is a role model for all the officers in the service. His membership of the Society and securing allotment of a flat

would have a dampening effect down the line on all the concerned officers, sending a signal to them to fall in line with those promoting ACHS, and discouraging those who may have wanted to safeguard army's interests and speak out against the wrongdoing.

### **Gen S Padmanabhan**

**9.15** Gen Padmanabhan was the GOC-in-C Southern Command from January 1999 to September 2000. This included the period in March-April 2000 when the Mumbai LMA issued the NOC for the allotment of the land in question (held in long occupation by them) to the ACHS. This Inquiry as well as other investigations have brought out the direct involvement and vested interest of the then Area Commander, who himself was a beneficiary. However, there is no record to indicate that the Army Commander was involved or part of the decision making. Nor is Gen Padmanabhan a member or beneficiary of Adarsh. It does not appear that he had any role to play in the case, unlike some of his successors in that position.

### **Admiral Madhvendra Singh**

**9.16** Admiral Madhvendra Singh was VCNS from Apr to Dec 2001, and CNS from Dec 2001. In his statement to the Patil Commission, he has stated that he was invited to become a member in 2001, when he was VCNS. He had earlier been the FOC-in-C Western Naval Command in Mumbai from March 1998 to April 2001. WNC was assigned the coordinating role for coastal security much later, in 2008. At the time, although a beneficiary, and also posted in Mumbai during the crucial period of the LMA issuing the NOC, the Navy had no responsibility for land matters in Mumbai, and he did not have any formal role to play in the case.

## **Lt General GS Sihota**

**9.17** Lt Gen Sihota was GOC-in-C Southern Command from October 2001 to February 2004, directly supervising MG&G Area during a critical early phase in the ACHS case. He was also a member of ACHS and a beneficiary, creating a vested interest in the happenings in the case. The GOCs of MG&G Area during his tenure were Maj Gen VS Yadav and Maj Gen TK Kaul, both of whom were directly involved in supporting the proposed alienation of land under occupation of the Army to the ACHS. The supportive role of Gen Sihota during his tenure as Army Commander is indicated by:

- The Army Commander provided cover and protection to the efforts of the GOCs to facilitate the alienation of the land. During his 2 ½ year tenure, there seems to have been no move on his part to question the actions of his subordinate officers in the matter
- By 2004, ACHS had already been a subject of complaints, adverse media attention, and objections had been raised by the DEO and local officers to stop the proposed land transfer. These objections were curbed and the complaints played down
- Knowingly false information was given by Command HQ for Reply to a Parliament Question in December 2003, stating that the land in question was not and had “never been” under the occupation of the army authorities; at a time when the land was still in the physical possession of the LMA! This cannot be held to be a bona fide lapse, as the Army Commander and Area Commander (Maj Gen TK Kaul) both had vested interests in the matter.
- There was no consideration of the future security implications of the land transfer to a high-rise building of a cooperative housing society, when it was for the Army Commander to consider such implications during his annual security inspections.

### **Lt Gen I.K.Varma**

**9.18** Lt. Gen I K Varma was a member of ACHS whose name appeared in the first list but not in the final list. As per the posting profile, the officer worked in the Integrated Army Headquarters, New Delhi from 26 July 1996 to 31 October 1999. Records do not indicate any association with the ACHS case officially.

### **Lt Gen Shantanu Choudhary**

**9.19** Lt Gen Choudhary is a member of the Society and a beneficiary. He appears to have been an active member and is a leading defender of ACHS today; the SLP in the Supreme Court challenging the High Court orders against Adarsh has been filed by him. He was VCOAS between Jan 2003 to Dec 2004 when Gen NC Vij was the COAS. While not directly dealing with the ACHS matter, he was VCOAS when the land was handed over by the LMA to ACHS in Oct 2004, and also when the misleading information was given for the Reply to a provisionally admitted Starred Question in Dec 2003. As an Adarsh beneficiary, he had a vested interest and would be aware and supportive of these actions in favour of ACHS. His support to ACHS along with that of the Chief would have set a very undesirable example to subordinate officers, and would undoubtedly have discouraged conscientious officers who may have tried to defend public interest.

### **Vice Admiral Madanjit Singh**

**9.20** Vice Adm Madanjit Singh was posted as FOC-in-C WNC from October 2003. He became a member of ACHS, but as the Navy did not have any responsibility for land matters in Mumbai, he had no formal role in the case. However, Patil Commission has observed that he was ineligible to become a member as he gave a wrong undertaking that he did not own any house in Mumbai, a fact that he admitted before the Commission. This action of his does not meet the high standards of rectitude expected of an officer of his rank.

## **GENERAL OFFICERS COMMANDING**

### **Maj Gen A. R. Kumar**

**9.21** Maj Gen Kumar was the GOC from Feb 1998 to July 2000. He was responsible for directing the key event of wrongdoing in the case i.e. the issue of the letter in April 2000 according NOC by the LMA to the allotment of land to the ACHS. This was a land, as has been noted, in physical possession of the Army authorities for a long time, secured by a compound wall, with thick tree cover, and maintained by the Army as a Khukri Park.

**9.22** Maj Gen Kumar had a vested interest in promoting the case of ACHS as he was a beneficiary, with his son Lt Cdr A Puran Kumar later being made a member of ACHS and an allottee in his place. Hence, he displayed an unusually proactive role in supporting the wrongdoing, as indicated by

- The ACHS letter of 7<sup>th</sup> February 2000 to the Chief Minister indicates that prior negotiations had taken place and informal clearance obtained from the local military authorities.
- The letter of 29<sup>th</sup> March 2000 from the Collector to the GOC was got personally picked up by Maj MD Singh, an officer under his command, and conveyed to the GOC through the promoter of ACHS retd. Brig Wanchu, a highly unusual process.
- He issued the NOC dated 5<sup>th</sup> April 2000 stating that the land applied for “fell outside defence boundary” suppressing the fact of physical occupation by the Army. This letter was recorded on file as having been vetted by GOC (Gen Kumar).
- He ignored the Government instructions of 03 Sep 1997 regarding alienation of defence land.
- He did not consider the potential security implications of the NOC which eventually led to the construction of a high rise building overlooking the military station.

- He has also been charged by the CBI for criminal misconduct and conspiracy.

**9.23** Maj Gen A.R. Kumar is responsible for acts of commission in actively facilitating the wrongdoings in the case.

#### **Maj Gen V.S. Yadav**

**9.24** Maj Gen Yadav was the GOC, MG&G Area for two and half years during the period when the NOC had been given, but the land had not yet been allotted to ACHS. He would have had many opportunities to object to the proposed land transfer, but he did not object. This non-objection cannot be regarded as bona fide, since he had a vested interest in the matter, being himself a member of the Society and a beneficiary. He did not consider the potential security implications of the NOC which eventually led to the construction of a high rise building overlooking the military station. His inaction and acquiescence would have also discouraged his subordinate officers from expressing any reservations over the irregularities in the case.

**9.25** Maj Gen Yadav is responsible for acts of omission in knowingly acquiescing to the irregularities in the case.

#### **Maj Gen T.K. Kaul**

**9.26** Maj Gen Kaul was Mumbai Sub Area Commander from Jan 1999 to Jan 2000, and subsequently most unusually GOC MG&G Area from Nov 2002 to July 2005. He had a major hand in setting up the land transfer to the ACHS, and in seeing it through to the actual transfer. He appears to have proactively aided and abetted the wrongdoings. In particular,

- He had a strong vested interest, as an active member of ACHS. There was a serious conflict of interest in his role as GOC responsible for safeguarding lands in occupation of the military authorities, and his role as a member of the managing committee of Adarsh Society, which aimed to get the land under occupation of the LMA in its name for the benefit of its members.



- He is a benami holder of allotments in the name of his daughter and others as identified by the Patil Commission and the CBI.
- By 2004, ACHS had already been a subject of complaints, adverse media attention, and objections had been raised by the DEO and his Sub Area Commander Brig Pannikkar to stop the proposed land transfer. These objections were curbed aggressively by the GOC, and the complaints played down.
- Knowingly false information was given by him for a Reply to a Parliament Question in December 2003 stating that the land in question has “never been/is not” under the occupation of the army authorities; at a time when the land was still in the physical possession of the LMA!
- He was responsible for handing over the land in occupation of the LMA to the ACHS in October 2004.
- There was no consideration of the future security implications of the land transfer to a high-rise building of a cooperative housing society, when it was his duty to consider such implications. On the contrary, he categorically stated in a communication to HQ SC in Sept 2004 that there were no security implications for the military cantonment.
- He has been charged by the CBI for criminal misconduct, cheating and criminal conspiracy, and is considered one of the key players in the scam.

**9.27** Maj Gen T.K. Kaul is responsible for acts of commission in actively facilitating the wrongdoings in the case.

### **Maj Gen Tejinder Singh**

**9.28** Maj Gen Tejinder Singh was the GOC from Aug 2005 to Oct 2007. Initially he was not a member of ACHS, and had the opportunity to take an unbiased view of the matter and initiate corrective action. In Oct – Nov 2005, he raised objections with the ACHS on the uprooting of trees by the Society, and also raised security concerns with the Collector. However, these issues were not pursued by him, perhaps since he also

became a member of the ACHS. It appears that the issues raised were not bonafide concerns, but to obtain leverage in becoming a member of the Society and a beneficiary. There is no record of the security related concerns being raised in the annual security inspections of the Army Commander. During his tenure, the construction of Adarsh had started and was visible from his office chamber. In Sept 2007, the high rise committee gave a no-objection to the building of 27 floors, without any objection or concern by the army authorities headed by Gen Singh.

**9.29** Maj Gen Singh is responsible for acts of omission in knowingly acquiescing to the irregularities in the case.

### **Maj Gen R.K. Hooda**

**9.30** Maj Gen Hooda was the GOC from Oct 2007 to July 2010, during a period of growing public disquiet over the irregularities in the Adarsh case. As noted earlier, progress of construction of Adarsh taking place in close proximity to his office would have been visible from the chamber of the GOC every day. Yet, Maj Gen Hooda made no attempt to distance himself from the construction, nor did he appreciate the potential security threat being posed by this high rise building of a cooperative society right next to his office, and nor did he raise the issue or brief the Army Commander in the annual security inspections. There was a reason for this; it was because he himself had become a member of ACHS and beneficiary, and had a vested interest in the matter. His inaction and acquiescence would have also discouraged his subordinate officers from expressing any reservations over the irregularities in the case.

**9.31** Maj Gen Hooda is responsible for acts of omission in knowingly acquiescing to the irregularities in the case.

### **Defence Estate Officers and Officials**

#### **Late Shri M Guruswamy**

**9.32** He is a member of the Society, is one of the key figures in the Adarsh Land Scam. As brought out earlier, as early as on 07 Nov 1997 Shri M Guruswamy set the stage for subsequent action when he wrote

to Station Cell in response to a letter from Col. Tandon that “there is no pvt land under unauthorized occupation of army. However, a pocket of State Govt land in Block VI of Colaba Div is in unauthorized occupation by 8 Garh Rif in the form of a garden.”. The land referred to in this letter is the same land which was later allotted to Adarsh Coop Housing Society. Shri M Guruswamy in collusion with his staff and Military authorities seems to have had been scouting for land in Colaba Military Stn. At that point, the status of the land was ambiguous, it was neither recorded in the MLR nor in the State Government records, but it was in long physical occupation of the Army. Without mentioning the fact of occupation, he took all steps to build a case to get the land alienated to ACHS. Shri M Guruswamy’s name appeared in the initial lists of the Society, however after his demise his name no longer appears as a member of the Society. Late Shri Guruswamy was, along with Shri RC Thakur, responsible for acts of commission in actively facilitating the wrongdoings in the case.

### **Shri RC Thakur, SDO**

**9.33** A member and the Chief Promoter of the Society, he was a junior officer in the Defence Estates office at Mumbai, with apparently unusual access in the corridors of power. Shri Thakur appears to be the mastermind and brain behind Adarsh Land grab along with his superior Shri Guruswamy, Sub Area Cdr Brig TK Kaul, Area Cdr Maj Gen AR Kumar and Adm Comdt Col RK Bakshi. The central figure in the scam, he had serious conflict of interest in that he was personally the chief promoter of a society which sought and obtained land from a jurisdiction that he was directly dealing with in his official capacity.

**9.34** Key correspondence in the case issued by the DEO – beginning with the response in 1997 to Col. Tandon’s leading letter seeking information on land unauthorizedly occupied by the Army, and the crucial letter of 2000 stating that the land in question fell outside the defence boundary (suppressing the fact of long occupation) which formed the basis for the NOC – was found to have been drafted and put up by him on file for signature of the DEO. The information given by DEO

to facilitate the issue of the NOC in April 2000 was also drafted and put up by him. He was thoroughly conversant with land matters in Mumbai and was aware of and exploited all loopholes for personal benefit. His role has been well documented by previous investigations and inquiries. He has been charged by the CBI for criminal misconduct and conspiracy.

**9.35** Shri RC Thakur continues to be the Honorary Secretary of the Society, and is spearheading 'Save Adarsh Campaign' today!

**9.36** Shri Thakur is the acknowledged mastermind of Adarsh, and squarely responsible for acts of commission in actively facilitating the wrongdoings in the case.

### **Role of other Defence Services and Defence Estates Officers.**

**9.37** The role of Senior Services Officers, General Officers Commanding, and the key Defence Estates Officers has been examined in paras 9.9 to 9.36 above. Apart from these officers, there were a number of other officers whose role has been examined in Chapter 7 above, and the broad categorization of their involvement in the matter is as outlined below:

### **9.38 Other Defence Officers who were Applicants / Beneficiaries, with official responsibilities, and involved in the wrongdoing**

- Col KJS Khurana
- Brig RC Sharma
- Brig PK Rampal
- Col RK Bakshi (Also charged for cheating, criminal conspiracy and criminal misconduct)
- Lt Col R K Singh
- Col SD Tandon
- Col TK Sinha (Also charged for cheating, criminal conspiracy and criminal misconduct)
- Col L C Midha

### **9.39 Defence Officers who were Applicants / Beneficiaries, not officially involved but charged with criminal liability**

- Brig. M.M. Wanchu (charged for cheating, criminal conspiracy and criminal misconduct)
- Shri S.R. Nayyar (charged for Benami Transactions)
- Shri Paramanand K Hinduja (charged for Benami Transactions)
- Late Col Amarjit Singh (charged for Benami Transactions)
- Shri Manilal Thakur,IN (Retd) (charged for Benami Transactions)
- Maj Arun Pratap Singh (charged for Benami Transactions)
- Lt Col PH Ram (charged for Benami Transactions)

### **9.40 Defence Officers who were Applicants / Beneficiaries**

- Late Maj. N.W. Khankhoje
- Maj MD Singh (with official responsibility)
- Brig AC Chopra (with official responsibility)
- Lt. Cdr. Chunilal
- Cdr. Gopal Bharti
- Petty Officer Susheel Chandra Sharma
- Capt. Praveen Kumar
- Lt. Cdr. Gurumukh Singh Grewal
- Cdr. Harbhajan Singh
- Cdr. John E. Mathew
- Lt.Cdr. A.Puran Kumar (S/o Maj Gen A.R. Kumar)
- Dr. Surgeon Capt. P.S.Thampi
- Cdr A.S.Balakrishnan
- Shri Harish Prasad, DEO (with official responsibility)
- Commander Rajiv Pilo (Member of ACHS Managing Committee)

- Shri R Srinivasan
- Smt Arti Kant
- Shri DK Reddy
- Late Shri K Subramanian
- Shri Aditya Kumar (with official responsibility)
- Shri R P Singh (with official responsibility)
- Maj. Tejbir Singh
- Maj. Ramesh Bakshi
- Lt. Col.H. S. Puri
- Col. S.K.Jain
- Lt. Col.R.M.Jain
- Capt. K.H. Chaoji
- Brig. H.H.Israni
- Cdr. S.P. Singh
- Rear Adm R P Suthan
- Capt. Naveen Ramachandra Thakur (related to Shri R.C. Thakur)
- Comdr Dilip Kadam
- Comdr P R Tampi
- Air Comdr Hukum Chand Berdia
- Major Ajay S Kapoor
- Wg. Cdr. K.V.Bopardekar
- Sub.R.A. Thakur
- Cdr K G Singh
- Capt. Ashish Tandon (s/o Col. S.D. Tandon)
- Lt. Col. H.S.Grewal

#### **9.41 Officers with official responsibility but not applicants / beneficiaries**

- Brig. Akhil Chaturvedi (Dy GOC: Sep 02 to Dec 05)
- Col S K Joshi (Adm Comdt: 20 Aug 00- 31 Aug 01)
- Col M S Jaswal (Adm Comdt: 01 Dec 03 - 29 Aug 04)
- Col B K Sinha (Adm Comdt: 30 May 05 - 31 Jan 07)
- Col V K Bajaj (Adm Comdt: Mar 07 to Jan 09)
- Brig R. N. Kapoor (Cdr MSA: Dec 96 to Jan 99)
- Brig P S Paul (Cdr MSA: Jan 05 - Dec 05)
- Brig Arjun Menon (Cdr MSA: Feb 07 - Nov 08)
- Brig Bobby Mathew (Cdr MSA: Nov 08 - Dec 09)
- Col Ajay Saxena (Col Q,,MG&G Area: 09 Sep 03-08 Dec 05)
- Col I S Sahdeva (Col Q,,MG&G Area:27 Jun 06-6 May 08)
- Col R Raina (Col Q,MG&G Area:27 May 08-26 Jun 10)
- Shri B.A. Thayalan (DEO, Mumbai: Jun06 to Sep 08)
- Col SS Jog (Col Q, Had a major role in the case)
- Brig SK Bhardwaj (Cdr MSA, Had a major role in the case)
- Shri M. Nautiyal (PDDE, Had a major role in the case)

#### **Officers who took a stand**

**9.42 Shri Saurav Ray**, the Defence Estates Officer, Mumbai from Sept 2002 to Apr 2004 steadfastly and repeatedly opposed the proposed transfer of land invoking public interest and security, drew attention to the alienation of prime land, and sought withdrawal of the NOC. He tried his best, writing to his superior officers, senior army officers, district administration but could not get support as all those in the army at a senior level and the state administration were beneficiaries of Adarsh, and his own superiors did not deem it fit to back him. At a

relatively junior level in the Service, in the face of powerful vested interests, he displayed courage of conviction in defending the public interest, and thereby set an example to look up to for field officers of the Department.

**9.43 Brig. M.K.V. Panicker**, Commander Mumbai Sub Area from Apr 2002 to Jan 2004 in a written communication in July 2003, appreciated and supported the stand of the DEO Shri Ray in trying to prevent the transfer of the land to ACHS, and asserted the unquestioned possession of the Army on the land. MSA had to retract shortly thereafter apparently under pressure from the GOC Maj Gen Kaul, and further expression of views was firmly curbed. The fact remains that Brig Panicker's stand remains the only instance from 2000 to 2009 of a senior Services officer dealing with the subject taking a position in writing in the army's interest against the land alienation proposal. This was when he knew that every one of his superior officers in the chain of command at the time i.e. Maj Gen Kaul, Lt Gen Sihota and Gen Vij were members of ACHS and had a strong vested interest in ensuring that the transfer took place.

#### **OBSERVATIONS OF HON. BOMBAY HIGH COURT**

**9.44** Hon. High Court had observed in its order dated 29<sup>th</sup> April 2016 in WP 452/2012 that the Ministry of Defence should inquire and find out the lapses or reasons on the part of its Officers for not instituting Writ Petition at the earliest available opportunity as also for finding out whether the GOCs between 1999 and 13 Jul 2010, namely, (1) Maj.General A.R.Kumar (2) Maj.General V.S.Yadav, (3) Maj. General T.K.Kaul, (4) Maj. General Tejinder Singh, (5) Maj.General R.K.Hooda compromised with security of CMS in lieu of allotment of flats in the building of the fourth respondent-Adarsh Co-operative Housing Society.

**9.45** On the first reference, the view of the Ministry of Defence was obtained. It was stated by the Ministry vide letter dated 6<sup>th</sup> January 2017 that "upto November 2010, issue was not pursued apparently because all GOCs were members of ACHS, and thereafter from November 2010



to 2012 execution of demolition order of Adarsh Building passed by MoEF/ outcome of Judicial Inquiry ordered by GoM was awaited. When it became apparent that Judicial Commission was not focussing on security aspect and demolition order of MoEF was also not being executed, then process of filing Security Writ Petition was initiated”.

**9.46** In the light of the role of the GOCs and the sequence of events in the case that have been brought out in this Report, the position outlined by MoD appears to be reasonable and acceptable.

**9.47** Further, keeping in view the findings of this Committee set out earlier in this chapter on the role of the five GOCs named, the second reference of the Hon. Court can only be answered in the affirmative.

## **10.SUMMARY AND RECOMMENDATIONS**

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## **Summary**

**10.1** Attention in the “Adarsh scam” so far has centred on the wrongdoings and irregularities by the politicians and bureaucrats concerned with the approval process who exploited their position to become beneficiaries of ACHS, ostensibly promoted for the welfare of Kargil heroes and war widows. As we have found, perhaps as great a role was played by the military and Defence Estates Officers involved. Notably, these were the officers who were charged with the duty and responsibility to protect the interest of the services and defend national security.

**10.2** The plot of land at the heart of this huge controversy has a long history. The entire island of Colaba was declared a Military Island by the British in 1796 and a Cantonment in 1821. All lands and buildings were military since no civilian construction was permitted. Colaba retained its original shape till 1971, except joining up with mainland Bombay. In terms of Government of India Act 1935, the subject land should perhaps then have been classified as defence land. The Survey of India Map of 1957 also indicates the existence of a strip of land which appears to be the land in question. It was not reclaimed as part of Backbay Reclamation Scheme. However, right till the time a claim was made on it by the ACHS, the subject land neither existed in Military Land Records nor in State Government Revenue Records.

**10.3** The ground reality was that the subject land was occupied by the Army, and had been for quite some time. It was acknowledged and undisputed by the state administration and the ACHS that the Land had been under the possession of the Army for a long time. It had been inaugurated as a “Khukri Park” in 1996 by the then GOC Maj Gen B.A. Cariappa. As a park it was being maintained by the Garrison Battalions. By Adarsh Society’s own admission, the subject land was with Army for 25-30 yrs. The adjacent SHO Complex land has buildings constructed in 1941, and thus it is quite likely that the subject land had been in possession of Army then. At the time it was asked for by the ACHS and a

no-objection was sought by the State Government from the Local Military Authorities in 2000, it had a thick tree cover, and a boundary wall had also been erected by the Army around it.

**10.4** The inspiration of obtaining land held by the Army for a cooperative housing society with membership including the key decision makers of the defence services and civilian bureaucracy seems to have been an earlier such effort i.e. the case of the Pilot Bunder Cooperative Housing Society. The PBCHS, consisting of retired defence services and civilian officials, was successful in obtaining land surrounded by Colaba Military Station, and went on to construct two high-rise buildings on the land.

**10.5** In the identification of the subject land and facilitation of its allotment to the ACHS, there appears to have been definite collusion between senior military officers and Defence Estates Officers. The effort by the LMA and DEOs (both charged with the duty of protecting defence lands) in the late nineteen nineties seems to have been to show the subject land as State Government land and the Army in illegal possession of the land.

**10.6** The membership of the Society includes most of those who were responsible for decision-making relating to the approvals for the land and building. The chief promoter of ACHS was a Defence Estates official dealing with the subject, and a member of the managing committee was an officer who was earlier the Sub Area Commander and then the Area Commander with jurisdiction over the subject land. Apart from defence services officers, the members of the Society include Revenue Officials, Senior Bureaucrats, Defence Estate Officials, BMC & MMRDA officials, BEST Officials, and Politicians. All individuals who could facilitate this illegal land allotment or who could interfere with it appear to be members of the Society.

**10.7** Consequently, there were many unusual features of the land transfer process, and of the role of the defence officials involved. As indicated by the Society in their letter to the Chief Minister, it appears that the ACHS promoters had negotiated with the local military

authority, and that the local military authority had given their go ahead to the project, prior to the formal request for no objection being received by the GOC from the Collector in 2000.

**10.8** There was undue haste by LMA to process the 'NOC'. The entire case was processed and reply sent to the Collector in less than a week. The land was projected by ACHS as being required for Serving and Retired Defence personnel and their widows, and in the name of Kargil martyrs and War widows, when there was no such provision or reservation made by the Society.

**10.9** Government instructions of 3<sup>rd</sup> Sept 1997 on requiring Cabinet approval for alienation of defence land were ignored, and bypassed by projecting the land as falling outside the defence boundary.

**10.10** From the NOC in 2000 to the formal allotment and handing over of the land in 2004, the officers-in-charge with vested interests consistently defended the land alienation to ACHS. The phrase 'in possession of the defence dept' was deleted in corrigendum issued to the allotment letter by the Revenue Dept on the insistence of the Society without objection from the LMA. There are no records of NOC having been given for above plinth level construction to Adarsh Society with HQ MG & G Area. Either the 'NOC' was given and records destroyed, or construction began without the requisite 'NOC' from LMA.

**10.11** The site of the Adarsh building is strategically located. The location of the building overlooks the Colaba Military Station (including the office of the GOC, MG&G Area) and the harbour and poses a potential threat to national security. The security aspect was glossed over by military commanders in the chain from 2000-10, apparently mainly due to their being members and beneficiaries of the ACHS. The security implications of the structure were never raised at the annual security inspections of the Army Commanders during the period 1999-2010.

**10.12** There was consistent misrepresentation of facts and other irregularities by the concerned defence and civilian officials at various

stages. The objections raised by a few conscientious field officers were firmly curbed by their superiors.

**10.13** Government was misled by LMA and superior officers through information given in response to a Parliament Question regarding the occupation of land with the false statement that “the subject land has never been / is not under the occupation of the Army”.

**10.14** From 1999 till the change of guard took place at HQ MG & G Area on 13th July 2010, the military officers who were beneficiaries of the ACHS and in positions of influence continued to justify the handing over of the land to the ACHS, and downplay or ignore the potential security threat of the high rise building.

**10.15** Essentially, certain officers of the defence services and defence estates in key positions, who were also members of the ACHS, had a vested interest in facilitating the handing over of the plot of land occupied by the Army to the ACHS, and the construction of the Adarsh building. These officers were responsible for the various acts of omission and commission that spawned the irregularities and wrongdoings in the case.

## **Recommendations**

**10.16** The Committee finds the officers, whose role in the wrongdoings has been detailed in paras 9.9 to 9.14, 9.17, 9.19 to 9.36 and 9.38 & 9.39 above, with a vested interest in the case responsible for acts of commission and omission in facilitating the wrongdoings in this case.

**10.17** These officers are all long retired, and, as clarified by Ministry of Defence letter dated 6<sup>th</sup> January 2017 to the Committee that as “service officers after 3 years of retirement cease to be subject to the Army Act, 1950,” it would not be possible under the Army Act to initiate disciplinary proceedings against them. Of these officers, the following six officers Shri RC Thakur, Brig MM Wanchu, Maj Gen AR Kumar, Maj Gen TK Kaul, Brig TK Sinha, Col RK Bakshi are facing criminal charges filed by the Central Bureau of Investigation before the Special Court. However,

although the charge sheet was filed in 2012, the trial is yet to begin, and it is not possible to predict the time frame or the eventual outcome.

**10.18** The conduct of the officers concerned in facilitating or condoning the irregularities and wrongdoing in this case for personal benefit at the expense of public interest cannot be allowed to rest without action, as it has all these years. In public perception, the Services have always been held in very high esteem and the conduct of defence services officers is considered generally above reproach. This perception was impacted by this case. Huge damage to the image and credibility of the Services was caused due to the actions of a few officers who for their vested interests, abdicated their responsibilities to safeguard the public interest and security of the country.

**10.19** In this, the conduct of the more senior officers is critical. Top level officers are role models and have to set an example. They have thus a greater responsibility to check wrongdoing. They are not expected to be part of such wrongdoing or condone it, and certainly cannot afford to have a vested interest in the wrongdoing. Government therefore needs to take appropriate administrative measures such as are possible, to send a clear signal to the rank and file as well to the public that such conduct is not acceptable.

**10.20** It is recommended that in view of the above, Government may consider suitably conveying displeasure of the Government to these officers for their conduct and role in facilitating the wrongdoings in the ACHS case. Government can also consider in addition the option of taking action for debarring some or all of these officers from any future employment or contract with the Central Government or any of its bodies, or participating in any Committees . Such an action was taken by the Department of Space in 2012 in the case of a former Secretary, Department of Space in the Antrix Devas case.

**10.21** The roles of other officers either officially concerned with the case or those who were members of the Society and could have had a vested interest were also examined along with their posting profiles. The Committee found that in some cases they had no role to play, and in

some other cases responsibility for wrongdoings in the ACHS matter could not be directly attributed to these officers.

**10.22** The Committee recommends that the additional steps suggested in Chapter 9 (on Legal Lacunae) above to address the remaining lacunae in the regulatory regime governing such cases be taken up, in order to plug all possible loopholes and prevent the opportunity for such wrongdoings in future.

**10.23** The Committee has noted that even after all the corrective actions are taken, the issues regarding the security concerns, the need to define the legal status of the land, and avoid unnecessary waste of national resources need to be satisfactorily addressed to bring the matter to a close. The Committee has also noted demolition orders passed by the Ministry of Environment & Forests and upheld by the Hon. High Court. While it is for Government of India to take the next steps, the Committee would venture to suggest the following for the consideration of the Government.

- Government of India may initiate discussions with the Government of Maharashtra to get the plot of land (survey no. 652) on which the Adarsh building stands formally allotted to Ministry of Defence.
- Subject to agreement on the above, Government of India and the Government of Maharashtra jointly approach the Hon. Supreme Court/Hon. High Court to permit the acquisition/takeover of the building by the Ministry of Defence on such terms as are agreed and as per law
- The Adarsh building be utilized for defence housing to mitigate the acute housing shortage for defence services personnel in Mumbai; to be stated as part of the settlement petition to the Hon. Court.

**10.24** This dispensation would also automatically settle the title suit filed by the Union of India, and ensure that there would be no possibility of security concerns arising out of the location or occupancy of the building ever in the future.



## **ANNEXURES**

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Annexure A - List of officials met	157
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Annexure D – MOD letter dated 06 Jan 2017	164
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**ANNEXURE – A****LIST OF OFFICIALS MET BY THE INQUIRY COMMITTEE**

1	Shri J R K Rao, IAS, Addl Secretary , Ministry of Defence
2	Shri Manish Thakur, IAS, Joint Secretary , Ministry of Defence
3	Shri Surya Prakash , Director(L&C), Ministry of Defence
4	Shri Jojneswar Sharma, Principal Director, DE, SC, Pune
5	Smt Gita Perti, Director, SC, Pune & Ex-DEO, Mumbai
6	Shri KJS Chauhan, Director, DE, SC, Pune
7	Shri Bhaskar Reddy, Director, DE, SC, Pune
8	Shri Prasad Chavan, Defence Estates Officer, Mumbai Circle
9	Lt. Gen R J Noronha, AVSM, Chief of Staff, HQ, SC, Pune
10	Maj Gen SC Meston, SM, VSM, MGOL, HQ, SC, Pune
11	Col Rahul Anand, Col Q, HQ, SC, Pune
12	Maj Gen Rajiv Edwards, GOC, Uttar Maharashtra & Gujarat Subarea
13	Col Salil Pandey, Col Q, Uttar Maharashtra & Gujarat Subarea
14	Maj Gen. Anuj Mathur, VSM, Officiating GOC, HQ, MG & G area
15	Shri Amrit Mohan Prasad, IPS, Joint Director, CBI, Mumbai
16	Vice Admiral R Hari Kumar, Officiating FOC – in – C, HQ, Western Naval Command, Colaba
17	Commodore A K Pandey, VSM, Command Works and Land Officer, HQ, Western Naval Command, Colaba
18	Shri D J Khambatta, Former Advocate General, Govt. of Maharashtra
19	Adv. Sharmila Deshmukh, Govt. Advocate, High Court of Mumbai

**LIST OF DOCUMENTS EXAMINED BY INQUIRY COMMITTEE**

Sl. No.	File
1	Map of 1897 from Bombay Archives
2	Sketch of Colaba printed in the Times in 24 May 1911
3	Surveyor General of Maharashtra, Goa & Pune Map of 1924-25
4	Sketch annexed to Mears Committee Report
5	Survey of India Map 1957
6	Sketch annexed to Barve Committee Report of 1958
7	Sketch annexed to letter of Executive Engineer, Reclamation Project Division of Feb 1973
8	Works of Defence Act, 1903
9	Cantonment Land Administration Rules, 1937
10	Rules for Acquisition, Custody, Relinquishment of Military Lands in India (A.C.R.) Rules, 1944
11	Defence Services Regulations (Regulations for the Army) – Duties of Commanders
12	Land Policy letters issued by MoD from time to time – (a) Government of India, Ministry of Defence Letter No.11026/2/2011/D(Lands) dated May 18, 2011 (b) Government of India, Ministry of Defence Letter No.11026/2/2011D(Lands) dated March 18, 2015 (c) Government of India, Ministry of Defence Letter No.11026/2/2011D(Lands) dated November 17, 2015 (d) Government of India, Ministry of Deference Letter No.11026/2/2011(D(Lands) dated October 21, 2016

13	Report of the Commission of Inquiry on Adarsh Cooperative Housing Society, Colaba, Mumbai consisting of the Hon'ble Sh. Justice JA Patil and Shri P. Subrahmanyam, Retd. Chief Secretary, Govt. of Maharashtra.
14	Report of the Comptroller and Auditor General of India on Adarsh Co-operative Housing Society, Mumbai No.11 of 2011-2012.
15	Ninety First Report Public Accounts Committee, (2013-2014), Fifteenth Lok Sabha, PAC No.2018.
16	Confidential report submitted by Col. Manish Erry to Chief of Army Staff
17	Presentations by GOC, Uttar Maharashtra and Gujarat Sub Area, PDDE, Pune and reference to various files as produced during the deliberations.
18	Charge Sheets filed by CBI during the course of their investigation.
19	A list of key appointments held by various officers during the period 1996 to 2010
20	Posting profiles of officers received from Army HQ, Naval HQ and DGDE
21	DEO Mumbai Letter No.G/250/2/II dated 19 <sup>th</sup> Aug, 1994
22	DEO Mumbai Letter No.G/250/2/II/66 dated 27 <sup>th</sup> June, 1994
23	O/o the Collector Bombay City Distt. (City Survey & Land Records Branch) letter NO.CSLR/REV-I/T-2/Misc..1994/6 dated 30-04-1994
24	Govt. of Maharashtra Urban Development Department, Mantralaya, Bombay letter NO.TPB 4393/2592/UD-11 dated 16 <sup>th</sup> April, 1994
25	Govt. of India, Ministry of Defence (DGDE) New Delhi letter

	NO.710/17/L/L&C/83, dt.18 <sup>th</sup> May 1994.
26	Station Headquarters Colaba, Bombay-5 letter No.3271/2/Q/BP dated 2 <sup>nd</sup> June,1994.
27	DEO Mumbai letter No.G/250/2/II/61, dated 1 <sup>st</sup> June, 1994
28	DEO Mumbai letter No.D/37/C/Vol.IX/720 dated 11 <sup>th</sup> Jan, 1995
29	Site plan of proposed Colaba Cantonment
30	DEO, Mumbai Circle File No.BOM/STATS/100-A/XV
31	DEO, Mumbai Circle File No.BOM/STATS/100-A/XIV
32	DEO Mumbai File No.G/250/VOL-I
33	DEO Mumbai File No.G/250/VOL-II
34	DEO Mumbai File No.G/250/VOL-III
35	DEO Mumbai File No.G/250/VOL-IV
36	DEO, Mumbai File No.GEN/NEW/18/VOL.NO.I
37	DEO, Mumbai File No.GEN/NEW/18/V
38	DEO, Mumbai File No.GEN/NEW/18/III
39	Handing over documents between the Head Quarters M&G Area and CBI Authorities (List of files and letters)
40	List of allottees in ACHS as on date of Handing and Taking over on 05 <sup>th</sup> August 2016
41	Declaration by Hon'ble Governor in Counsel Bombay Castle Dt.24-08-1821
42	Presentation by Head Quarters UM&G Sub Area presented before the Inquiry Committee.
43	Petition filed by the Army authorities before Hon'ble High Court of Mumbai in ACHS Case.

44	The reply filed by ACHS in WP No.452 of 2012
45	The HQ MG &G Area Letter No.30003/34/BB/Q(L) dated 18-11-2010, No.30003/34/bb/Q(L)(ii) dated 18-11-2010 and No.3003/34/BB/Q(L)(iii) dated 18-11-2010 vide Adarsh related document handed over to the CBI
46	The HQ MG&G Area letter No.3003/34/BB/Q(L) dated 05 <sup>th</sup> April 2000.
47	The HQ MG&G Area letter NO.1210/5/Q3H, dated 04-07-2003.
48	The Stn. Cell Mumbai letter NO.3271/13/Geeta Ngr/Q, dated 27-08-2003.
49	The HQ MG&G Area letter No.3003/34/BB/Q(L) dated 30-09-2004.
50	The HQ, Western Naval Command, Mumbai Letter No.PS/6390/10/26, dt.27-08-2009
51	The HQ MG&G Area letter No.3003/31/Eco/Egn/Q(L) dated 12-11-2005 dt.05 April 2000.
52	Anomalies observed by the Judicial Commission
53	Directions / Order of the Hon'ble High Court in the following court cases
	PIL No.20 of 2011
	PIL No.36 of 2010
	WP NO.2407 of 2010
	WP No.369 of 2011
	Cr.WP No.3359 of 2011
	WP No.452 of 2012
	WP No.2591 of 2012
	Cr.WP.No.2593 of 2012

54	Directions / Order of the Hon'ble Supreme Court in SLP No.12844 to 12846 of 2016
	SLP Civil No.18041 of 2016
	SLP (Civil) No.17704 of 2016
	SLP (Civil) 17697 of 2016
	SLP (Civil) CC 13807 of 2016
55	CBI Charge Sheet No. RC 6(A)/2011, CC No.42 of 2012, CC No.60 of 2014, Special Case No.42 of 2012



**APPENDIX F**

2032/Land/154/E-2

Garrison Engineer (West)  
Colaba, Mumbai-05  
20th Dec., 2008

HQ Mumbai Sub Area  
(Stn. Cell)  
Colaba, Mumbai

**STATUS OF BLDGS. IN OLD SHO COMPLEX**

1. Ref. your letter No. 4274/7/Wks./(W)/23 dt. 23 Dec., 2008.  
2. Details asked for are furnished as under:—

Sl. No.	Bldg. No.	Year of Constr.	Purpose/Occupn. Description of bldg.	Spl. Repair/ addn./altn. carried out Incl. cost incurred (in Rs.)	Remarks
(a)	T-1/1	28-2-66	Office (C.I.C.A) SHO/GE's Office	* Cost of Constr.: 16640.06 * Repairs : 625.22 1650.84 17228.24 Total Cost : 36144.36	Ref. Appx.'A' Page No.-4
(b)	T-1	1940/41	Office (IWT 6 Docks)/AWWA pet Clinic	* Cost of Constr.: 13942.96 * Repairs : 1650.84 10800.00 * Total Cost : 26393.80	Ref. Appx.'A' Page No.-5
(c)	T-3	1940/41	Store Room (used at GE's Office)	* Cost of Constr.: 8654.96 * Repairs : 6071.00 * Total Cost: 14725.96	Ref. Appx.'A' Page No.-5
(d)	T-3/J	1965/66	Fencing with gate 285 RM	Cost Included in Ser No. 2(c).	Ref. Appx.'A' Page No.-5
(e)	T-4	1940/41	Store Room (used at GE's Office)	* Cost of Constr.: 12520.00 * Repairs : * Total Cost : 12520.00	Ref. Appx.'A' Page No.-5
(f)	T-1/J	Not Known	Perimeter wall along Ganesh Murthy Nagar	* Cost of Constr.: -Not Known * Spl. Repairs : 1000399.00 Total Cost : 1000399.00	Ref. Appx.'A' Page No.-6&7
(g)	T-88	1940/41	Barrack office (6 Dock I.W.T.)	* Cost of Constr.: 2226.00 * Spl. Repairs : 1650.84 5955.50 * Total Cost : 9832.34	Ref. Appx.'A' Page No.-8
(h)	T-106	2-1-71	Cycle Shed	* Cost of Constr.: 1431.78 * Spl. Repairs: * Total Cost : 1431.78	Ref. Appx.'A' Page No.-9
(i)	T-2	1942	POL Depot office	* Cost of Constr.: 1790.00 * Spl. Repairs: * Total Cost : 1790.00	Ref. Appx.'B' Page No.-4

3. For info. and necessary action please.

Sd/-  
(A. Handique)  
Lt. Col. Garrison Engineer (West)

Encls. (As Above)

Copy to:—  
HQ MG & G Area (Q/L)  
HQ MSA (Q/L)

ANNEXURE – D

No. 13020/08/2016/D(Lands)  
MINISTRY OF DEFENCE  
D(LANDS)

\*\*\*\*

Sena Bhawan New Delhi,  
the 6<sup>th</sup> January 2017

To  
The Co-ordinator and Secretary &  
Chief Executive Officer  
O/o the Cantonment Board  
Court House Compound  
Sardar Patel Road  
Secunderabad-3

**Subject: Constitution of Inquiry Committee in compliance with the order dated 29<sup>th</sup> April, 2016 of Hon'ble High Court of Judicature at Bombay in Writ Petition No.452 of 2012.**

Madam,

I am directed to refer to your Letter No. SCB/CEO/18 dated 10.10.2016 addressed to Director (Vigilance), MoD on the above-mentioned subject and forward IHQ of MoD (Army) note No.47000/ADARSH/LW(South) dated 06.12.2016.

2. In this context, the replies to queries mentioned at Sl. No. (i), (ii) & (iii) of your letter under reference, are as follows:

a) The Hon'ble High Court in its order dated 29<sup>th</sup> April 2016 in WP No. 452 of 2012 has made an observation regarding delay in filing WP No.452 of 2012. What are views of the Ministry of Defence on the same?

Reply: Upto November 2010, issue was not pursued apparently because all GoCs were members of ACHS and thereafter from November 2010 to 2012 execution of demolition order of Adarsh Building passed by Ministry of Environment/outcome of Judicial inquiry ordered by Government of Maharashtra was awaited. When it became apparent that Judicial Commission was not focussing on security aspect and demolition order of Ministry of Environment and forest was also not being executed, then process of filing Security Writ Petition was initiated.

b) What actions can be initiated/ taken against officials found responsible for administrative impropriety/misconduct more than five years after their retirement?

Reply: Service officers, after 03 years of retirement, cease to be subject to Army Act 1950 and further action can be taken as per Civil Law.

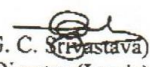
c) What was the dispensation prevailing in 2000 on the issue of NOCs and "security clearances" by LMAs. In what circumstances security clearance required or given at the time and at what level? What were the instructions/SOPs/ Practice laid down by the Ministry/Army Head Quarters on these issues?

Reply: Except Army establishments covered under WoDA 1903, the discretion of providing NOC from security perspective was with LMA. Further, as per prevalent practice, planning authority MMRDA, in this case could have insisted to obtain NOC from LMA, even in the absence of any notifications under section 3 of WoDA or NOC guidelines issued by MoD in 2011. A judgement in W.P. No.646/2013 cited in the AHQ note may also be referred in this regard.

3. This has approval of JS (Works).

Enclosures: As stated above. (04 pages)

Yours faithfully

  
(G. C. Srivastava)  
Deputy Director (Lands)  
o/c

## ANNEXURE – E

## KEY APPOINTMENTS

Appt	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
<b>HQ SOUTHREN COMMAND - PUNE</b>															
GOC-in-C Southern command				Lt Gen HM Khanna (01 Sep 96 - 03 Jan 99)	Lt Gen S Padmanabhan (04 Jan 99 - 30 Sep 2000)	Lt Gen NC Vij (01 Oct 00 - 30 Sep 01)	Lt Gen GS Sihota (09 Oct 01 - 29 Feb 04)		Lt Gen BS Takhar (01 Mar 04 - 31 Jan 06)		Lt Gen Aditya Singh (01 Mar 06 - 30 Sep 07)		Lt Gen N Thamburaj 01 Oct 07 - 31 Dec 08)	Lt Gen Pradeep Khanna (01 Jan 09 - 28 Feb 11)	
<b>HQ MAHARASHTRA ,GUJARAT AND GOA AREA(MG &amp; G AREA) - MUMBAI</b>															
GOC MCGA	Maj Gen BA Kariappa (27 Jul 94 - 30 Apr 97)	Maj Gen R Pandit (31 May 97 08 Jan 98)		Maj Gen AR Kumar (23 Feb 98 - 20 Jul 2000)		Maj Gen VS Yadav (21 Jul 2000 - 17 Nov 02)		Maj Gen TK Kaul (18 Nov 02 - 31 Jul 05)		Maj Gen Tejinder Singh (01 Aug 05 - 11 Oct 07)		Maj Gen RK Hooda (12 Oct 07 - 12 Jul 10)			
DY GOC MCGA							Brig RC Sharma (24 Aug 99 - 31 Aug 02)		Brig Akhil Chaturvedi (01 Sep 02 - 31 Dec 05)						
COL Q MCGA			Col UK Jha (26 May 96 - 04 Oct 99)		Col SS Jog (05 Oct 99 - 04 Jul 01)		Col TK Sinha (05 Jul 01 - 08 Sep 03)		Col Ajay Saxena (09 Sep 03 - 08 Dec 05)		**	Col IS Sehdeva (27 Jun 06 - 26 May 08)		Col R Raina (27 May 08 - 26 Jun 10)	***
<b>HQ MUMBAI SUB AREA(HQ MSA) - MUMBAI</b>															
Cdr MSA			Brig RN Kapoor (Dec 96 - Jan 99)	Brig TK Kaul (Jan 99 - Jan 2000)	Brig PK Rampal (Jan 2000 - Apr 02)		Brig MKV Panicker (Apr 02 - Jan 04)	Brig SK Bhardwaj (Jan 04 - Jan 05)	Brig PS Paul (Jan 05 - Dec 05)	Brig SK Bhardwaj (Dec 05 - Oct 06)		Brig Arjun Menon (Feb 07 - Nov 08)	Brig Bobby Mathew (Nov 08 - Dec 09)	#	##
<b>STN CELL MUMBAI - MUMBAI</b>															
ADM COMDT	Col AC Chopra, VSM (19 Jul 95 - 22 Jun 97)		Col RK Bakshi @ (23 Jun 97 - 19 Aug 2000)		Col SK Joshi (20 Aug 2000- 31 Aug 01)	Col LC Midha (01 Sep 01 - 30 Nov 03)	Col MS Jaiswal (011203- 290504)		Col BK Sinha (30 May 04 - 31 Jan 07)			Col VK Bajaj (03 Mar 07 - 31 Jan 09)		Col Deepak Dadhwal (01 Feb 09 - Till Date)	
<b>DEFENCE ESTATE OFFICERS (DEO) - MUMBAI</b>															
DEO	Mr RP Singh (Feb 94 - Feb 97)		Mr Gurusamy (Nov 1997 - Jun 2000)		Mr Harish Prasad (Jun 2000 - Swp 02)		Mr Saurav Ray (Sep 02 - Apr 04)		Mr Ashwini Kumar (Apr 04 - Jun 06)		Mr BA Dhayalan (Jun 06 Sep 08)		Mrs Geeta Perti (Sep 08 - Till Date)		
<div> <div> * Lt Gen Sanjeev Chopra (13 Jul 10 - Till Date)  ** Col JVSNV Prasad (09 Feb 06 - 23 May 06)  *** Col RS Vashitha (27 Jun 10 - Till Date)  # Brig Rakesh Nandan (Dec 09 - Jul 10) </div> <div> Note  1. @ Col RK Bakshi - Reemployed as Staff Officer HQ MG &amp; G Area from 27 Mar 03 to 20 Apr 05.  2. Lt Col RK Singh served in Station Cell Mumbai from 1995 to 1998.  3. Col SD Tandon was re-employed in Station Cell Mumbai as Staff Officer Land from 16 Jun 95 to 19 Apr 99.  4. Sh RC Thakur SDEO - from 02 Dec 91 to 07 Nov 2002. </div> </div>															

## **DOCUMENTATION / REFERENCES**

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Citation No.	Reference to Chronology	Subject
1	Sl.No.182 of Chronology of Events	On 29 Apr 2016, the Bombay High Court had ordered the Union Environment Ministry to demolish Adarsh Society.
2	Sl.No.186 of Chronology of Events	On 01 Aug 2016, Constitution of Inquiry Committee by MOD in pursuance of the directions contained in Order dated 29.04.2016 of the Hon'ble High Court of Mumbai in Writ Petition No. 452/2012
3	Sl.No.189 of Chronology of Events	On 17 Nov 2016, Ministry of Defence extended the time limit for submission of report by the committee upto 31 <sup>st</sup> December 2016 and also deleted the terms of reference i.e. ownership of land and possession of land over passage of time from the purview of Inquiry Committee set up on 1 Aug 2016.
4	Sl.No.191 of Chronology of Events	On 10 Jan 2017, Ministry of Defence further extended the time limit for submission of report by the committee upto 28 <sup>th</sup> February 2017
5	Sl.No.147 of Chronology of Events	On 25 Oct 2010 Adarsh scam reported by media
6	Sl.No.76 of Chronology of Events	On 26 Jun 2003 Joint Secretary and Chief Vigilance Officer (JS & CVO), Ministry of Defence addressed a

		letter to DG DE regarding a serious complaint received on proposed land transaction in Block VI, Colaba, Mumbai requesting for a discreet inquiry into the issue
7	Sl.No.93 of Chronology of Events	On 08 Mar 2004 in a letter to CVO, Ministry of Defence, the DGDE made scathing indictment of HQ MG &G Area & SDO RC Thakur
8	Sl.No.155 of Chronology of Events	On 09 Nov 2010 Defence Ministry ordered a CBI probe into the scandal.
9	Sl.No.18 of Chronology of Events	On 14 Sep 1968 Pilot Bunder Co-operative Housing Society writes to MEO, Bombay and Gujarat Circle for regularisation of already constructed approach road on defence land
10	Sl.No.31 of Chronology of Events	Letter by Shri R.C. Thakur (a serving sub-divisional officer of the Defence Estates Office, Mumbai, who was also the chief promoter of the Adarsh Cooperative Housing Society) to the Chief Minister of Maharashtra requesting for allotment of land in C.S. No 4/600 measuring 8300 Sqm adjacent to Oyster & Dolphin buildings.
11	Sl.No.32 of Chronology of Events	Letter from Shri R.C. Thakur to the Principal Secretary, Law & Judiciary Department, Government of

		Maharashtra wherein it was stated that the land in C.S.No 4/600 was surrounded by the defence area.
12	Sl.No.33 of Chronology of Events	The Society's request for allotment of the land situated in C.S. No 4/600 was not accepted by the Government of Maharashtra and the Collector, Mumbai City and informed the Under Secretary R&FD with a copy marked to Brig. Wanchu.
13	Sl.No.36 of Chronology of Events	Staff Officer (Lands) in Station HQ, Colaba, Mumbai addressed a letter to DEO, Mumbai to forward half yearly progress report on regularisation of land under unauthorised occupation of the Army in a format prescribed and attached by them.
14	Sl.No.40 of Chronology of Events	Civil Military Liaison Conference (CMLC) held between Army Commander and Chief Secretary of Maharashtra State.
15	Sl.No.37 of Chronology of Events	DEO Mumbai Circle letter to Station Cell stated that 'there is no private land under unauthorised occupation of Army in Mumbai. However, a pocket of State Government land in Block VI of Colaba Division is in unauthorised occupation by 8 Garh Rif in the form of a garden.'
16	Sl.No.42 of Chronology of	DEO, Mumbai Circle on the same

	Events	day replied that “it is confirmed land mentioned in para 1 of your letter cited above is owned by State Government and the same falls under Block VI. A sketch showing the Block No. VI is forwarded herewith as desired”.
17	Sl.No.105 of Chronology of Events	Adarsh Co-operative Housing Society was formally registered.
18	Annexure – C	MES records on construction of barracks of T1 and T2 of SHO Complex.
19	Sl.No.24 of Chronology of Events	Collector of Bombay addressed a letter to Station Cell Mumbai in connection with a road widening proposal stated that a piece of land adjoining Cuffe Parade and near BEST Bus Depot is in possession of Army and requested to produce documentary evidence.
20	Sl.No.25 of Chronology of Events	Station Headquarters, Bombay in their letter addressed to Collector Bombay stated that on either side adjoining bus depot is defence land and is in occupation of Army since long and it is being used as training area that it has been kept vacant and the area has been fenced to prevent encroachment.
21	Sl.No.28 of Chronology of Events	Minister of General Administration, Govt. of Maharashtra in a letter addressed



		to Commander, Sub-Area regarding protection of military land and development of garden on subject land.
22	Sl.No.29 of Chronology of Events	Station Commander, Bombay vide letter dated addressed to M&G Area stated that a wall was being constructed on the subject land and being developed into a park.
23	Sl.No.46 of Chronology of Events	Adarsh Cooperative Housing Society addressed a letter to the Chief Minister, Maharashtra requesting for allotment of a specific plot of land admeasuring 3854 sq mtrs of land out of Block VI of Backbay Reclamation Scheme.
24	Sl.No.47 of Chronology of Events	ACHS in its letter addressed to the Revenue Minister, Govt of Maharashtra reiterated the contents of its letter dated 21.9.1999 addressed to the Chief Minister Maharashtra.
25	Sl.No.61 of Chronology of Events	ACHS addressed a letter to the Chief Minister, Maharashtra stating that the allotment of the requested land would be a kind gesture towards serving and retired officers of defence services more particularly Kargil war heroes.
26	Sl.No.53 of Chronology of Events	The Collector Mumbai addressed a letter to the GOC, HQ Maharashtra

		Gujarat & Goa (MG & G Area) requesting confirmation that there was no objection to allot the requested land to Adarsh.
27	Sl.No.54 of Chronology of Events	Letter from HQ, MG & G Area addressed to DEO to confirm status of the requested land by 01 April 2000.
28	Sl.No.55 of Chronology of Events	The DEO confirmed to the HQ, MG & G Area that the requested land formed part of Block VI of Colaba Division (Backbay Reclamation Scheme-VI) belonged to State Govt of Maharashtra and fell outside the defence boundary.
29	Sl.No.56 of Chronology of Events	Letter from HQ, MG & G Area addressed to Collector, Mumbai informing him that the requested land fell outside the defence boundary and action may be taken as deemed fit for the welfare of service personnel/ex-servicemen/their widows".
30	Annexure – D	MoD's clarification on the then existing position on issue of NOC in such cases.
31	Sl.No.59 of Chronology of Events	Collector informed Revenue and Forest Department that the land is reserved for road widening as per MMRDA's development plan; therefore NOC from Municipal Corporation of Greater Mumbai and approval of MMRDA should be

		taken.
32	Sl.No.60 of Chronology of Events	Society in its letter dated 02 Jun 2000 accepts in writing to accommodate 40 per cent civilians as discussed in a meeting on the same day with Shri Ashok Chavan Revenue Minister.
33	Sl.No.63 of Chronology of Events	ACHS letter to CM Maharashtra... 'concluded one year of Kargil operation...want to inform our members who struggled in the operation about good gesture of government of Maharashtra... subject land... already in possession of Local Military authorities....
34	Para No.26.2 & Page No.121 Of Justice Patil Inquiry Commission Report	Shri Kanhaiya Lal Gidwani pursued the matter of allotment of the land in question by writing a number of letters to various authorities including Chief Minister of Maharashtra.
35	Sl.No.65 of Chronology of Events	Urban Development Department (UDD) approved modifications by deletion of 60.97 metres wide road leading to south Colaba Harbour link and changing width of Captain Prakash Pethe Marg from 60.97 metres to 18.40 metres.
36	Sl.No.69 of Chronology of Events	Government of Maharashtra, Revenue & Forest Dept. letter of intent to Mr RC Thakur, Chief promoter ACHS.

37	Sl.No.74 & 80 of Chronology of Events	Letters written by DEO addressed to HQ MG &G Area & copy to PDDE & DGDE objecting to the allotment of prime land on various grounds
38	Sl.No.78 of Chronology of Events	Letter by HQ Mumbai Sub Area to DEO Mumbai stating Sub Area not aware of any document which states that park not on defence land.
39	Sl.No.79 of Chronology of Events	Letter of HQ MG & G Area to HQ Mumbai Sub Area including Station Cell & DEO -.... 'jurisdiction of DEO to correspond on subject not understood....especially since DEO has given opinion on the subject on 30 Mar 2000.
40	Sl.No.84 of Chronology of Events	Letter of PDDE SC addressed to DGDE & copy to DEO Mumbai asking DEO not take unilateral action without consulting higher authorities on sensitive issues of this nature
41	Sl.No.106 of Chronology of Events	HQ. Southern Command, Pune addressed a letter to HQ MG &G Area seeking its comments on the security concerns raised by the DGDE.
42	Sl.No.107 of Chronology of Events	HQ MG &G Area asked for comments of the HQ. Mumbai Sub-Area (station cell), its Subordinate Headquarters, on the

		security concerns raised by the DGDE.
43	Sl.No.108 of Chronology of Events	HQ, Mumbai Sub-Area (station cell) replied to HQ MG &G Area stating that there were no security implications for the Military Cantonment.
44	Sl.No.109 of Chronology of Events	HQ MG &G Area replied to HQ, Southern Command, Pune stating that there were no security implications viz. the requested land.
45	Sl.No.110 of Chronology of Events	The plot was handed over to the Society.
46	Sl.No.112 of Chronology of Events	The Adarsh plot was recorded in the Government of Maharashtra's land revenue records for the first time, and CS No. 652 was assigned.
47	Sl.No.104 of Chronology of Events	The Revenue and Forest Department issued a corrigendum to the letter of approval by correcting area of the land in question from 375.82 sq. mtrs. to 3758.82 sq mtrs. and deleting the words that the land was in possession of the Defence Department.
48	Sl.No.35 of Chronology of Events	Ministry of Defence issued directions on alienation of defence lands wherein it was stated that no transfer/alienation of defence lands shall take place without prior

		cabinet approval.
49	Sl.No.179 of Chronology of Events	Public Accounts Committee (2013-2014) submitted its report.
50	Sl.No.53 of Chronology of Events	The Collector Mumbai addressed a letter to the GOC, HQ Maharashtra Gujarat & Goa (MG & G Area) requesting confirmation that there was no objection to allot the requested land to Adarsh.
51	Sl.No.70 of Chronology of Events	Letter from Joint Director MOEF to Deputy Secretary, Urban Development Department, Government of Maharashtra ....'proposed residential complex falls within CRZ II area... Ministry has delegated powers to State Government..'
52	Sl.No.98 of Chronology of Events	Government of Maharashtra accorded sanction for allotment of land to the Society levying occupancy charges of Rs.10.19 crore. List of 20 members approved by the Government was also enclosed with the sanction
53	Sl.No.117 of Chronology of Events	The State Government amended the GR of 09.07.1999 raising the income limit for eligibility to all and waiving the requirement of domicile in respect of serving Defence personnel etc.
54	Sl.No.72 of Chronology of Events	The Society wrote to Minister of State for Urban Development,

		Government of Maharashtra for allotment of additional FSI of the adjoining plot used by Brihan-Mumbai electric supply & transport undertaking (BEST).
55	Sl.No.99 of Chronology of Events	The Society wrote to Chief Minister of Maharashtra and Minister of State for Urban Development for additional FSI of the adjacent plot used by BEST as approach road to Backbay Reclamation Depot.
56	Sl.No.121 of Chronology of Events	Government of Maharashtra allowed the additional FSI of the adjoining land used by BEST to the Society.
57	Sl.No.126 of Chronology of Events	MMRDA forwarded commencement certificate to MCGM up to four floors.
58	Sl.No.127 of Chronology of Events	High-rise Committee issues NOC for 3rd to 27th upper floors with a height of 97.60 metres.
59	Sl.No.128 of Chronology of Events	MMRDA issued commencement certificate issued for stilt + two level podium + 27 upper floors
60	Sl.No.143 of Chronology of Events	Final Commencement certificate issued for built up area 8401 sqm for stilt + two level podium + first and second floors commercial and third to 27th residential
61	Sl.No.146 of Chronology of Events	MMRDA issued Occupation Certificate for stilt + 2 level podium + 2 commercial floors + 26

		residential floors to ACHS.
62	Annexure – E	A chart of key appointments during the relevant period.
63	Sl.No.44 of Chronology of Events	Principal Secretary Urban Development Dept., Government of Maharashtra letter to secretary MOEF (fwd letter of ACHS dt 02 Aug 1999)....
64	Sl.No.45 of Chronology of Events	The proposal for allotment of land in revenue Sy No. 600, adjacent to Oyster and Dolphin buildings of the Pilot Bunder Cooperative Housing Society was again rejected by MOEF.
65	Sl.No.48 of Chronology of Events	Chief promoter of Adarsh Society in his letter addressed to Chief Minister of Maharashtra again stated that the land in question is duly fenced and is in possession of Local Military authorities.
66 & 67	Sl.No.53 of Chronology of Events	The Collector Mumbai addressed a letter to the GOC, HQ Maharashtra Gujarat & Goa (MG & G Area) requesting confirmation that there was no objection to allot the requested land to Adarsh and collected by hand by a designated officer.
68	Sl.No.54 of Chronology of Events	Contents of noting made by Col SS Jog while according NOC.
69	Sl.No.57 of Chronology of Events	Letter from HQ, M&G Area to Collector, Mumbai requesting to



		compensate the cost of boundary wall constructed by the Army.
70	Sl.No.77 of Chronology of Events	DEO, Mumbai Circle writes to Collector Mumbai for a joint survey due to ambiguity in title of land & security concerns.
71	Sl.No.65 of Chronology of Events	Govt of Maharashtra issued a notice on 03 Oct 2001 <sup>71</sup> under Sec 37(1A) of MRTP Act calling for objections and suggestions from the public within a period of one month for the proposed reduction in width of Prakash Pethe Marg.
72	Sl.No.42 of Chronology of Events	DEO, Mumbai Circle on the same day replied that "it is confirmed land mentioned in para 1 of your letter cited above is owned by State Government and the same falls under Block VI.
73	Sl.No.83 of Chronology of Events	Letter written by HQ MG &G Area to PDDE SC stating that 'as the land has neither been acquired, hired or requisitioned for the Army, Local Military authorities has no jurisdiction.
74	Sl.No.89 of Chronology of Events	Information given for Reply of Parliament Question by HQ MG &G Area, SO (land)) to HQ SC that "-....'subject land has never been/is not under occupation of the Army"
75	Sl.No.94 of Chronology of Events	Letter written by HQ SC addressed to ADG, LWE on the complaints.

76	Sl.No.119 of Chronology of Events	The Mumbai Metropolitan Region Development Authority (MMRDA) addressed a letter to Team One Architects (i) Pvt. Ltd for seeking clearance from Defence Department.
77	Sl.No.81 of Chronology of Events	MSA letter dated 22 July 2003 that indicated that the subject land was of the State Government.
78	Sl.No.169, 181 & 188 of Chronology of Events	Guidelines for issue of No Objection Certificate (NOC) for building constructions were issued by the Ministry of Defence, Government of India in respect of the security concerns of the Defence forces.

## **TABLE OF ABBREVIATIONS**

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ACHS	ADARSH COOPERATIVE HOUSING SOCIETY
ACR	ACQUISITION CUSTODY & RELINQUISHMENT
ADEO	ASSISTANT DEFENCE ESTATES OFFICER
ADG, LWE	ADDITIONAL DIRECTOR GENERAL, LAND, WORKS & ENVIRONMENT
AWHO	ARMY WELFARE HOUSING SOCIETY
BBRS	BACKBAY RECLAMATION SCHEME
BIRG	BRIGADIER
C&AG	COMPTROLLER AND AUDITOR GENERAL OF INDIA
CBI	CRIME BRANCH OF INVESTIGATION
CCS	CENTRAL CIVIL SERVICES
CFO	CHIEF FIRE OFFICER
CLAR	CANTONMENT LAND ADMINISTRATION RULES
CMLC	CIVIL MILITARY LIAISON CONFERENCE
CMS	COLABA MILITARY STATION
COAS	CHIEF OF ARMY STAFF
COL	COLONEL
CRZ	COASTAL REGULATIONS ZONE
CTS	CITY TITLE SURVEY
DCR	DEVELOPMENT CONTROL REGULATIONS
DEO	DEFENCE ESTATES OFFICER
DGDE	DIRECTOR GENERAL DEFENCE ESTATES
ED	ENFORCEMENT DIRECTORATE
FOC,NC	FLAG OFFICER COMMANDING IN CHIEF
FSI	FLOOR SPACE INDEX

GOC	GENERAL OFFICER COMMANDING
GOC-IN-C	GENERAL OFFICER COMMANDING IN CHIEF
GOI	GOVERNMENT OF INDIA
GOM	GOVERNMENT OF MAHARASHTRA
GR	GOVERNMENT RESOLUTION
HC	HIGH COURT
HQ ,M&G	HEADQUARTERS MAHARASHTRA & GUJARAT
HQ ,MG&G	HEADQUARTERS MAHARASHTRA & GUJARAT
HQ,WNC	HEADQUARTERS, WESTERN NAVAL COMMAND
HQSC	HEADQUARTERS SOUTHERN COMMAND
INF BN(TA)	INFANTRY BATTALION (TERRITORIAL ARMY)
IO	INITIATING OFFICER
JS, CVO	JOINT SECRETARY, CHIEF VIGILANCE OFFICER
LMA	LOCAL MILITARY AUTHORITY
LOI	LETTER OF INTENT
LT COL	LIEUTENANT COLONEL
MAJ GEN	MAJOR GENERAL
MCGM	MUNICIPAL CORPORATION OF GREATER MUMBAI
MEO	MILITARY ESTATE OFFICER
MEO B,&G	MILITARY ESTATE OFFICER, BOMBAY AND GOA
MES	MILITARY ENGINEERING SERVICES
ML&C	MILITARY LANDS & CANTONMENT
MLC	MEMBER LEGISLATIVE COUNCIL
MLR	MILITARY LAND RECORDS
MMRDA	MUMBAI METROPOLITAN REGIONAL DEVELOPMENT AUTHORITY

MOD	MINISTRY OF DEFENCE
MOEF	MINISTRY OF ENVIRONMENT AND FORESTS
M RTP	MAHARASHTRA REGIONAL TOWN PLANNING
MSA	MUMBAI SUB AREA
NAPM	NATIONAL ALLIANCE OF PEOPLES MOVEMENT
NOC	NO OBJECTION CERTIFICATE
OC	OCCUPATION CERTIFICATE
OM	OFFICE MEMORANDUM
PAC	PUBLIC ACCOUNTS COMMITTEE
PBCHS	PILOT BUNDER COOPERATIVE HOUSING SOCIETY
PDDE,SC	PRINCIPAL DIRECTOR DEFENCE ESTATES SOUTHERN COMMAND
PE	PRILIMINARY ENQUIRY
PIL	PUBLIC INTEREST LITIGATION
PMLA	PREVENTION AND MONEY LAUNDERING ACT
POL DEPOT	PETROLEUM,OILS AND LUBRICANTS DEPOT
QMG	QUARTER MASTER GENERAL
R&FD	REVENUE AND FOREST DEPARTMENT
RO	REVIEWING OFFICER
RTI	RIGHT TO INFORMATION
SC	SUPREME COURT
SDO	SUB DIVISIONAL OFFICER
SHO	STATION HEALTH ORGANISATION
SLP	SPECIAL LEAVE PETITION
SOP	STANDARD OPERATING PROCEDURES
SPL CC	SPECIAL COURT CASE

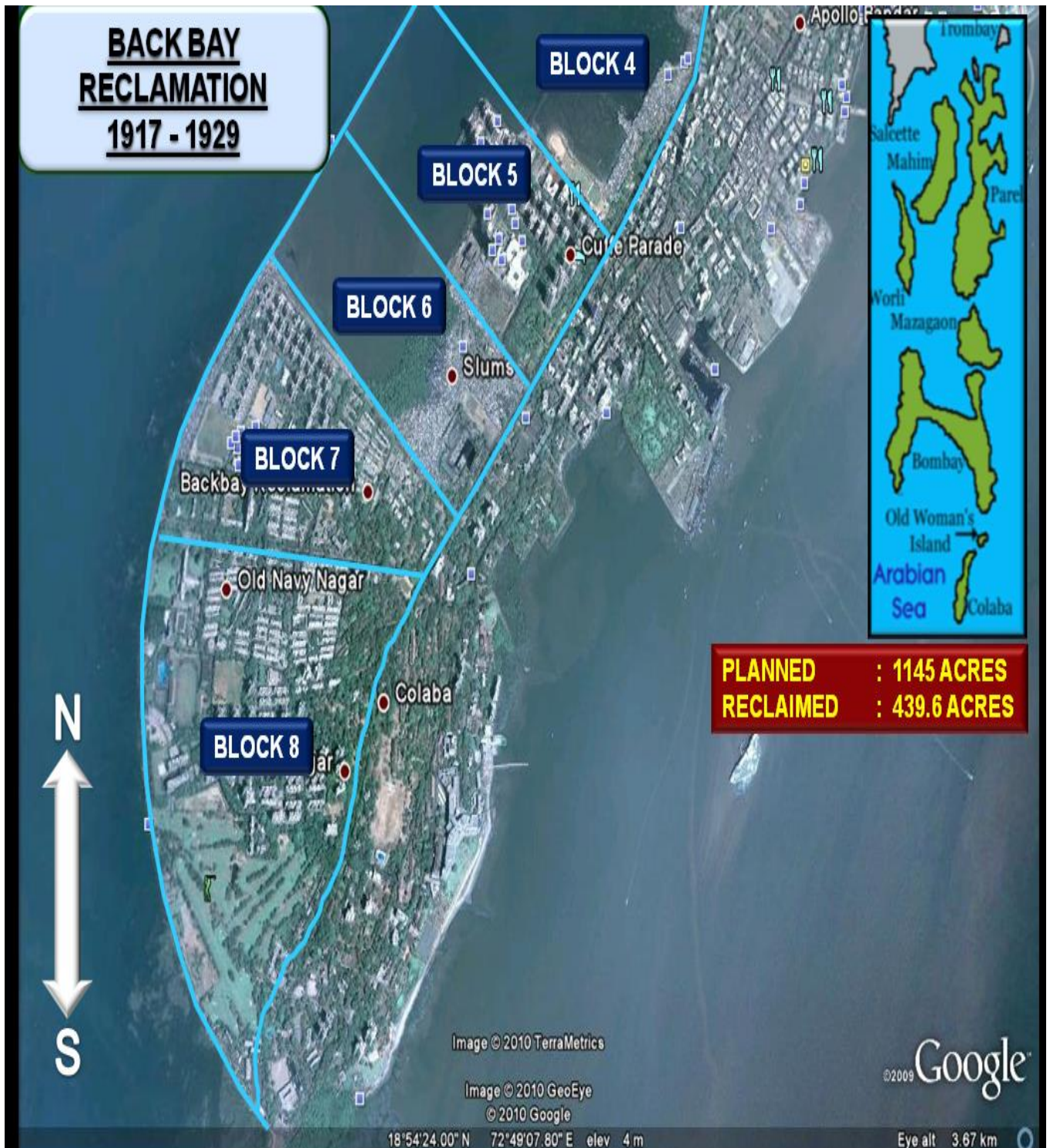
SSO	STATION STAFF OFFICER
STN CDR	STATION COMMANDER
UDD	URBAN DEVELOPMENT DEPARTMENT
UOI	UNION OF INDIA
VCNS	VICE CHIEF OF NAVAL STAFF
VCOAS	VICE CHIEF OF ARMY STAFF
WODA	WORKS OF DEFENCE ACT
WP	WRIT PETITION
BEST	BRIHANMUMBAI ELECTRICITY SUPPLY AND TRANSPORT

## **MAPS**

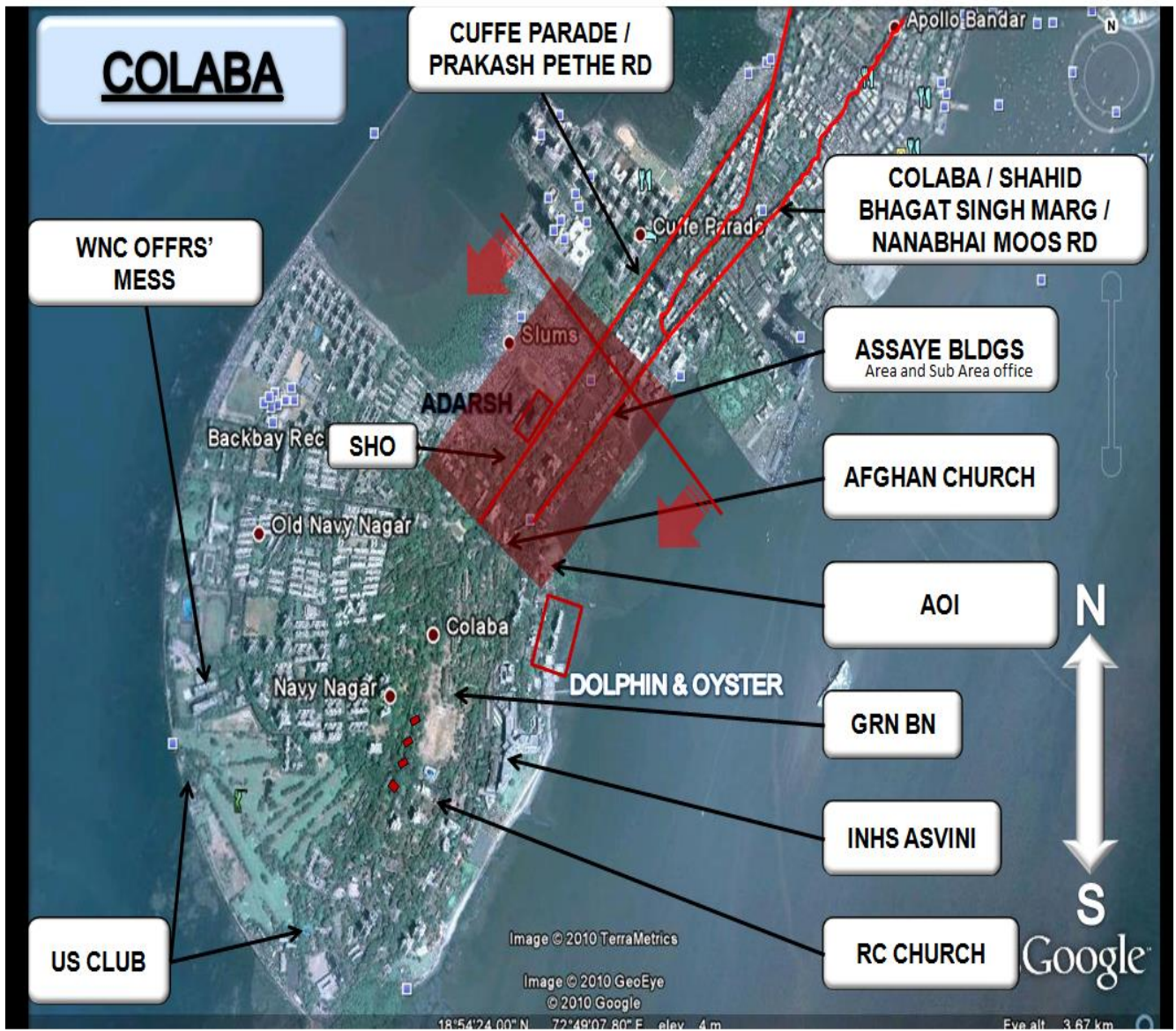
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Back Bay Reclamation 1917 – 1929 showing Block VI land

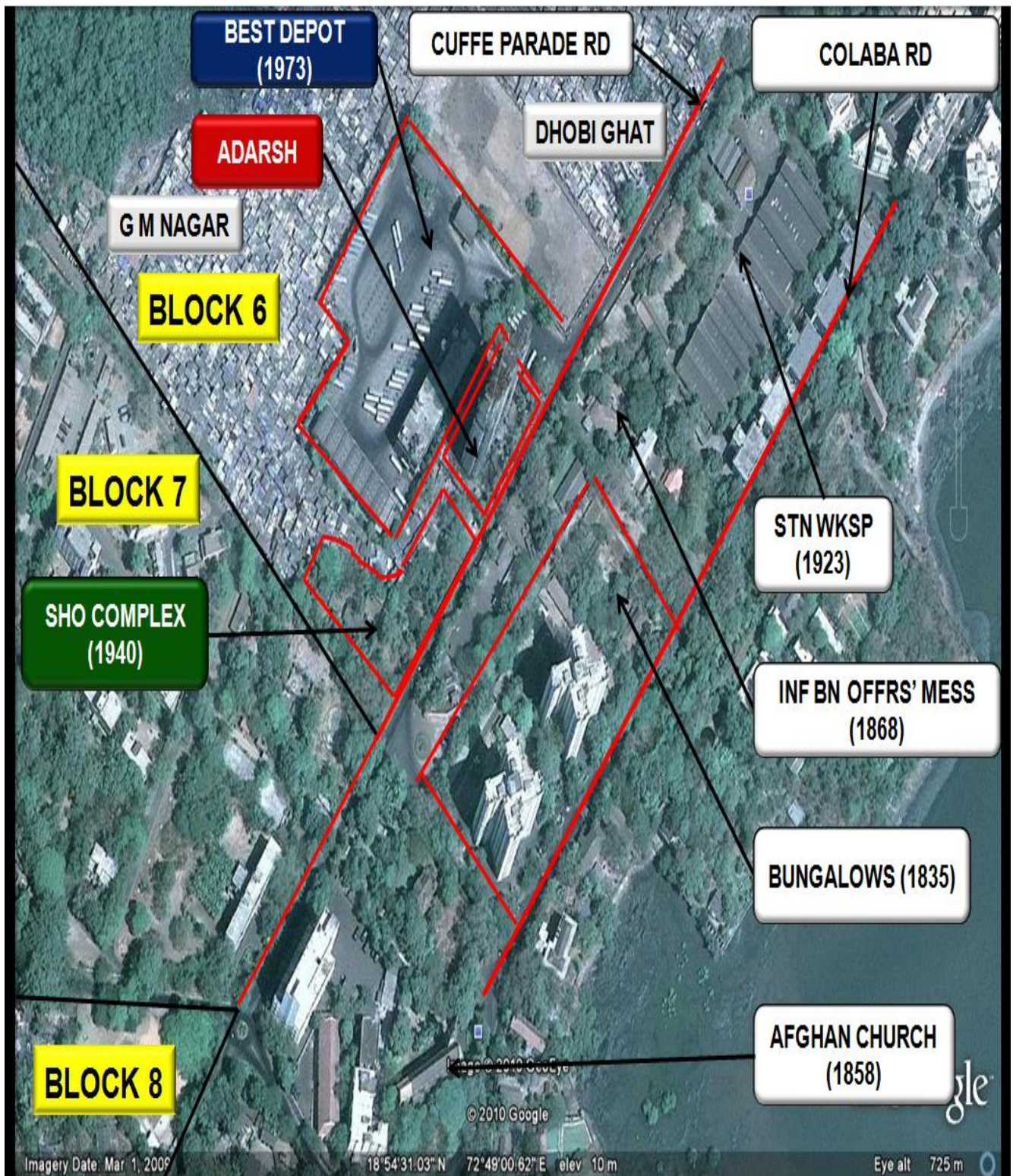


Colaba Military Station – Key locations around Adarsh Building



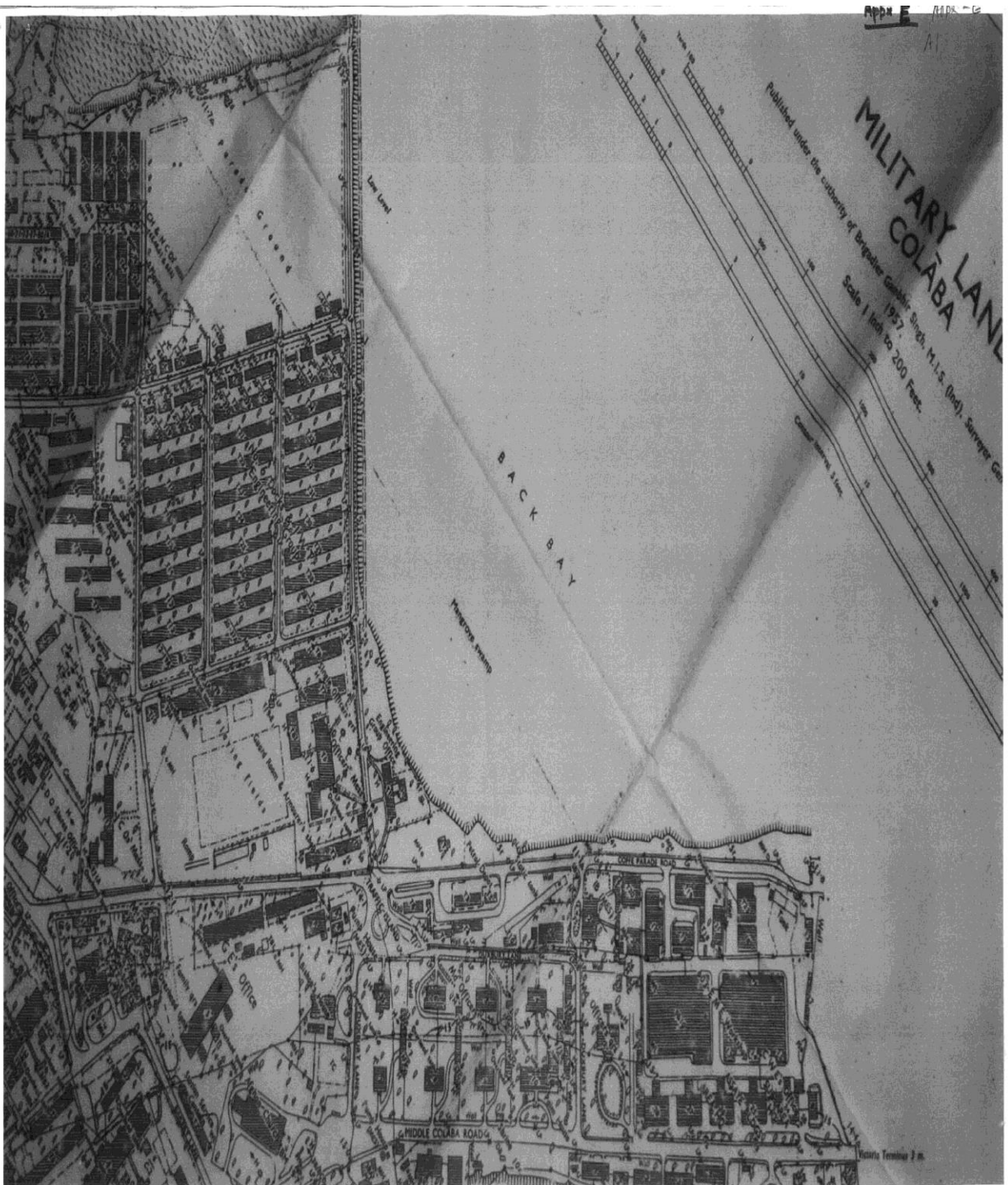


Aerial view of location of Adarsh Building





# Survey of India Map - 1957

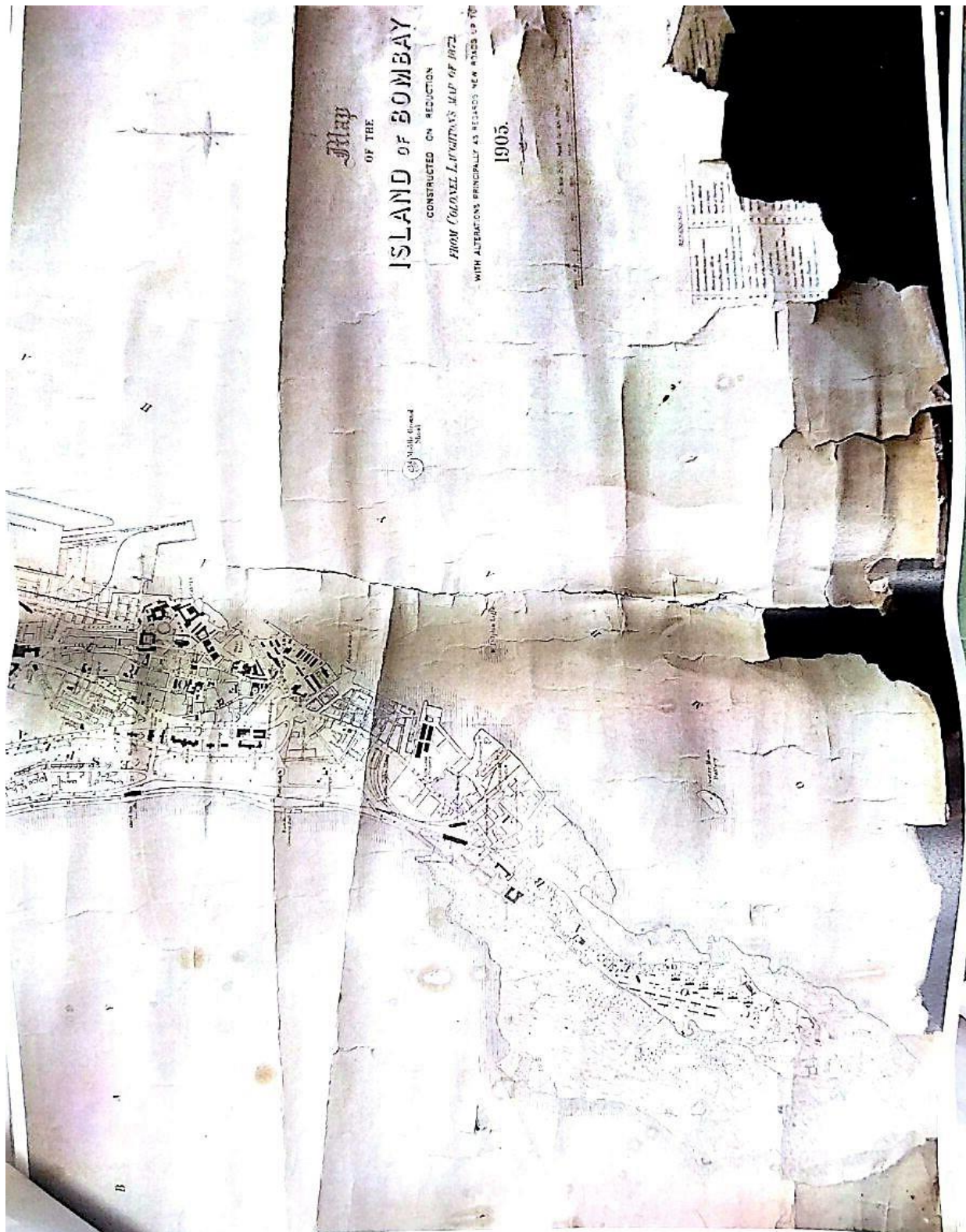


Sketch annexed to Barve Committee Report of 1958





Sketch depicting the 1905 position to indicate some land strip behind main buildings towards the sea



Sketch showing the land and building in Block 6

