

## फार्म नं. 1

प्रथम सूचना प्रतिवेदन ( धारा 154 द. प्रक्रिया संहिता के अन्तर्गत )  
FIRST INFORMATION REPORT (Under Sec. 154 Cr.P.C.)

वि.पु.स्था.सी.-II  
S.P.E.C.-II

बुक नं. **1343**  
Book No.

क्रम सं. **14**  
Serial No.

1. जिला : थाना : वर्ष : प्र.सू.प्र.क्र. दिनांक :  
District PS: Year FIR No. Date  
New Delhi CBI/EOU.IV/EO-II 2017 RC2202017 E 0013 05.07.2017
2. (1) विधान : धाराएं :  
Act IPC Sections 120-B r/w Sec. 420  
(2) विधान : धाराएं :  
Act PC Act 1988 Sections Sec 13(2) r/w 13(1) (d)  
(3) विधान : धाराएं :  
Act Sections  
(4) अन्य विधान एवं धाराएं :  
Other Acts & Sections
3. (क) प्रतीत अपराध : Criminal Conspiracy, Cheating and criminal misconduct.  
(a) Suspected Offence
- (ख) दिन : दिनांक समय  
(b) Day Date Time  
During 2004-2016
- (ग) थाने पर सूचना प्राप्त होने का दिनांक  
(c) Information received at PS Date
- कायमी अपराध : दिनांक समय  
Entry No. 06 Date 05.07.2017 Time 14:00 Hrs.
4. सूचना का प्रकार : लिखित/मौखिक  
Type of Information Source Written/Oral Oral
5. घटना का स्थान  
Place of Occurrence Delhi, Patna and other places
- (क) थाने से दिशा व दूरी :  
(a) Direction & Distance from PS --

बीट नं. / Beat No.

(ख) पता:  
(b) Address

(ग) घटनास्थल अन्य थाना क्षेत्राधिकार में है तो थाना -  
(c) In case, outside the limit of this Police Station, then

पुलिस थाना का नाम -----  
Name of PS

जिला -----  
District

6. अभियोगी / सूचनाकर्ता :  
Complainant / Informant **Source Information**

(क) नाम  
(a) Name

(ख) पिता / पति का नाम  
(b) Father's / Husband's Name

(ग) जन्म तिथि  
(c) Date of Birth

(घ) राष्ट्रियता :  
(d) Nationality

(ङ) पासपोर्ट नं. .... जारी दिनांक ..... जारी होने का स्थान .....  
(e) Passport No --- Date of Issue --- Place of Issue ---

(च) व्यवसाय  
(f) Profession

(छ) पता -  
(g) Address

7. ज्ञात / संदेही / अज्ञात / आरोपी का पूर्ण विवरण :  
Details of known / suspected / unknown accused with full particulars  
(यदि आवश्यक हो तो अलग से पन्ना संलग्न करें)  
(Attached separate sheet, if necessary)

- (1)  
(2)  
(3)

**As per the attached list**

**LIST OF ACCUSED PERSONS**

1. Shri Lalu Prasad Yadav, the then Minister of Railways, Govt. of India, r/o 10, Circular Road, Patna, Bihar;
2. Smt. Rabri Devi Yadav w/o Shri Lalu Prasad Yadav, r/o 10, Circular Road, Patna, Bihar;
3. Shri Tejashwi Prasad Yadav s/o Shri Lalu Prasad Yadav, r/o 10, Circular Road, Patna, Bihar;
4. Smt. Sarla Gupta w/o Shri Prem Chand Gupta, r/o 18, Teen Murti Lane, New Delhi;
5. Shri Vijay Kochhar s/o Shri Om Prakash Kochhar, r/o D-4, Ansal Vila, Satbari, New Delhi; (Director of M/s Sujata Hotels Pvt Ltd, proprietors of Hotel Chanakya)
6. Shri Vinay Kochhar, s/o Shri Om Prakash Kochhar r/o House No E-1/789 Ansal Villas, Satbari, Satbari, South Delhi, Delhi – 110074 (Director of M/s Sujata Hotels Pvt Ltd, proprietors of Hotel Chanakya)
7. M/s LARA Projects LLP (erstwhile known as M/s Lara Projects Pvt. Ltd./ M/s Delight Marketing Company Pvt. Ltd.) having registered office at D-1088, New Friends Colony, South Delhi;
8. Shri P. K. Goel, the then Managing Director, IRCTC, (Now ret'd.), r/o G-13/2, DLF Phase-I, Gurgaon;

and unknown others.

8. अभियोगी / सूचनाकर्ता द्वारा सूचना दिए जाने में विलंब का कारण :  
Reasons for delay in reporting by the complainant / informant  
**No delay**
9. अपहृत / सम्बद्ध सम्पत्ति का पूर्ण विवरण : (यदि आवश्यक हो तो अलग से पन्ना संलग्न करें)  
Particulars of properties Stolen (Attach separate sheet, if necessary)
10. अपहृत / सम्बद्ध सम्पत्ति का कुल मूल्य :  
Total value of property stolen
11. मर्ग / अकाल मृत्यु सूचना क्रमांक :  
Inquest Report / U.D. case No. if any **N/A**
12. प्रथम सूचना विवरण :- (यदि आवश्यक हो तो अलग से पन्ना संलग्न करें)  
First Information contents (Attach separate sheet, if required)

A preliminary enquiry was registered on the basis of source information to enquire into the allegations of mis-use of official position by Shri Lalu Prasad Yadav, alleging that Shri Lalu Prasad Yadav after being inducted as Minister of Railways in May 2004 committed misconduct by colluding with Shri Vinay Kochhar and Vijay Kochhar, owners of Chanakya and Sujata Hotel at Patna through IRCTC officials and Smt. Sarla Gupta w/o Shri P.C. Gupta M/s Delight Marketing Company Pvt. Ltd. in granting sub lease of the rights of two Railway Hotels at Puri and Ranchi to M/s Sujata Hotel Pvt. Ltd. and in lieu thereof 2 acres of prime land were transferred to M/s Delight Marketing Company Pvt. Ltd. through 10 sale deeds at a consideration which was much less than the then prevailing circle rates. Later the company Delight Marketing Company Pvt. Ltd. which was managed by Smt. Sarla Gupta w/o P.C. Gupta was transferred to Smt. Rabri Devi w/o Lalu Prasad Yadav and Tejashwi Prasad Yadav s/o Lalu Prasad Yadav between the period 2010 to 2014.

Enquiry revealed that after the creation of IRCTC in 1999, the Railway Board took a conscious decision in 2001 (18.09.2001) to transfer the

Management of catering services including hotel properties of the Indian Railways to IRCTC. Two such hotel properties of Indian Railways namely BNR Hotel, Ranchi and Puri had also been identified as the properties whose management and development was to be transferred to IRCTC. Pursuant to the same, in March 2004 (19.03.2004) a Memorandum of Understanding was executed between the Indian Railways and IRCTC detailing the modalities of transfer of the management.

Enquiry further disclosed that Shri Lalu Prasad Yadav was inducted as the Railway Minister in May 2004. After his joining, upon the information of Railway hotels being transferred to IRCTC coming to his notice, Shri Lalu Prasad Yadav, the then Railway Minister entered into a criminal conspiracy with Harsh Kochhar/Vinay Kochhar of M/s Sujata Hotel Pvt. Ltd, Patna (Proprietors of Hotel Chanakya, Patna), Smt. Sarla Gupta wife of his close associate Shri P.C. Gupta, MP (Rajya Sabha) representing RJD Party and IRCTC officials with the object of causing undue pecuniary advantage to himself and others.

The enquiry further disclosed that pursuant to the said criminal conspiracy Shri Harsh/Vinay Kochhar, on 25.02.2005, sold prime commercial property in the form of land measuring about 3 acres in Patna, Bihar through 10 Sale Deeds for a total consideration of Rs. 1.47 crores ( approx) to M/s Delight Marketing Company Pvt. Ltd (DMCL) in which Smt. Sarla Gupta w/o Shri Prem Chand Gupta, was a Director as a front benami holder for and on behalf of Shri Lalu Prasad Yadav. Enquiry revealed that not only such land was sold to M/s DMCL (a benami company of Shri Lalu Prasad Yadav) at a price which was much below the prevalent circle rate as well as the market rate, such property(ies) were also falsely shown as agricultural land instead of commercial land to evade the substantial stamp duty and thereby causing corresponding loss to the State Government Exchequer. Enquiry further disclosed that though the land in question was sold / transferred by the Kochhars to M/s. Delight Marketing Company (P) Limited, the payment for the same was got arranged surreptitiously

3(b)

by the company, to the extent required, in the form of investment in the shares of M/s. DMCPCL through M/s. Ahluwalia Contracts (India) Limited (a leading civil contractor company) and its promoter Shri Bikramjeet Singh Ahluwalia. On the day when the sale deeds were executed by the Kochhars in favour of M/s DMCL i.e. on 25.02.2005, the Railway Board on the same day informed IRCTC about its decision for transfer of BNR hotels to IRCTC on "as is where is basis".

Enquiry also revealed that in order to show favours Kochhars for the sale of prime commercial land at Patna, Bihar to his benami company M/s DMCL, owned and controlled on his behalf by Smt. Sarla Gupta wife of Shri Prem Chand Gupta and their personal staff, in less than the fair market price and to cause undue pecuniary advantage to them (Kochhars), Shri Lalu Prasad Yadav, the then Railway Minister colluded with Shri P.K. Goel, the then Managing Director, IRCTC and got the two BNR Hotels transferred to M/s Sujata Hotel Pvt. Ltd (Proprietors of Hotel Chanakya) of Kochhars through a rigged and manipulated tender process, which was managed through Shri P.K. Goel, the then MD, IRCTC.

Enquiry also disclosed that through Notice Inviting Tender (NIT) dated 16.09.2006, IRCTC invited bids for developing, operating and maintaining "Rail Ratna" Hotels, in 4 batches for various locations indicated therein. Pursuant to the criminal conspiracy and to restrict the competition for BNR hotels at Ranchi and Puri, the concerned officials of IRCTC instead of inviting a separate bid through a separate NIT, for BNR hotels, while issuing a corrigendum on 24.10.2006 titled as "Corrigendum No. 1" for Rail Ratna Hotels, made a reference in the passing, about the commencement of sale of bid documents for BNR hotels.

On 03.11.2006, IRCTC again invited bids for 'Rail Ratna Hotels' specifying the eligibility criteria. In the advertisement, it was also mentioned that bids were invited for BNR Hotels (though the sale of bid documents for BNR Hotels has already commenced as informed vide Corrigendum No.1 dated 24.10.2006

regarding Rail Ratna Hotels). In this advertisement, it was intimated that sale of tender documents for BNR Hotels had been extended up to 30.11.2006.

On 15.11.2006, Corrigendum No.2 was issued in respect of advertisement dated 03.11.2006, whereas this was Corrigendum No.2 for NIT published on 16.09.2006 for Rail Ratna Hotels. There was no Corrigendum No.1 for advertisement dated 03.11.2006. Vide this misleading Corrigendum No.2 dated 15.11.2006, the eligibility criteria/tender conditions for BNR Hotels was modified in pursuance to a criminal conspiracy to suit the requirements of Kochhars of Chanakya/Sujata Hotel to enable them to qualify for the tender. But for this amendment of eligibility criteria on 15.11.2006, M/s Sujata Hotel Pvt. Ltd, (Proprietors of Hotel Chanakya, Patna), would not have been eligible for this tender as per the conditions specified in the advertisement dated 03.11.2006. It was only subsequent to this Corrigendum No.2 dated 15.11.2006 that M/s Sujata Hotel Pvt. Ltd, (Proprietors of Hotel Chanakya, Patna), submitted its bid.

The enquiry has revealed that official communications of Railway Board marked to the Minister of Railways and the instructions given by the Minister to the Chairman Railway Board during the period 2004-06 indicate that Shri Lalu Prasad Yadav as Railway Minister was aware about the whole matter and was keeping a track of the tender proceedings initiated by IRCTC.

It was further disclosed during enquiry that though 15 bid documents and 17 bid documents were stated to be sold for BNR Hotel Ranchi and Puri respectively, the details of none of the bidders except M/s Sujata Hotel of Kochhars and Dinanath Hotels (P) Ltd concerning BNR Hotel Ranchi; are available with IRCTC. Even the bid documents submitted by M/s Dinanath Hotels Pvt. Ltd are not available with IRCTC.

Similarly, enquiry also revealed that there were only two bidders namely M/s Sujata Hotel Pvt. Ltd. and M/s Hotel Kesari (A unit of Bimala Projects Pvt. Ltd, Bhubaneshwar) for BNR Hotel Puri. With the intention to render undue

pecuniary advantage to M/s Sujata Hotel Pvt. Ltd., the bid of M/s Hotel Kesari was deliberately and unreasonably given low marks under the various heads of technical evaluation criteria so that it did not qualify for the opening of the financial bid. As a result, M/s Sujata Hotel Pvt. Ltd. remained the only bidder in financial evaluation and was qualified.

Enquiry further disclosed that after the tender/bids for development, maintenance and operation of BNR hotels at Ranchi and Puri was awarded to M/s Sujata Hotel Pvt. Ltd, (Proprietors of Hotel Chanakya, Patna), owned and controlled by S/Shri Vijay Kochhar & Vinay Kochhar and after Shri Lalu Prasad Yadav demitted office of Minister of Railway, shares of M/s Delight Marketing Company Pvt. Ltd were transferred from Smt. Sarla Gupta w/o Shri Prem Chand Gupta and other companies belonging to the family members of Shri Prem Chand Gupta to Smt. Rabri Devi and her son Shri Tejashwi Yadav. Later, the name of M/s Delight Marketing Company Pvt. Ltd., was changed to M/s Lara Projects Pvt. Ltd., which was further changed to M/s Lara Projects LLP (a Limited Liability Partnership firm), wherein the family members of Shri Lalu Prasad Yadav are the partners as well as authorized signatories.

Enquiry revealed that when the above mentioned commercial property in the form of land measuring about 3 acres were sold to M/s. DMCL on 25/02/2005, the value of this property, as per circle rate was approximately Rs. 1.93 crores, but the same was sold at Rs. 1.47 crores (approx). Later between 2010 to 2014 when the shares of M/s. DMCL was taken over by the family members of Shri Lalu Prasad Yadav, the circle rate of the property had increased substantially and in the year 2014 when the shares of DMCL were completely taken over by the family members, the circle rate of the property was reportedly valued at Rs. 32.5 crores and the market rate was about Rs. 94 crores. Thus, the shares of the company having a net-worth of more than Rs. 32.5 crores (as per the then circle rate of assets held by the company) was transferred by the family



members of Shri P.C. Gupta to the family members of Shri Lalu Prasad Yadav for a nominal amount of approximately Rs. 64 lakhs.

Thus, the enquiry has prima facie revealed that Shri Lalu Prasad Yadav, while serving as Minister of Railways and his family members in conspiracy with other accused persons abused his official position for causing undue favour to Kochhars and in pursuance thereof, a high value premium land was acquired through their benami company M/s DMCL on consideration which was much less than the fair market price and as a quid pro quo, dishonestly and fraudulently managed award of leasing BNRs at Ranchi and Puri to the company of Kochhars.

The above acts discloses commission of offences u/s 120-B r/w Section 420 IPC and Section 13(2) r/w 13(1) (d) of P.C. Act, 1988 and substantive offences thereof, against (1) Shri Lalu Prasad Yadav, the then Minister of Railways, Govt. of India; (2) Smt. Rabri Devi w/o Shri Lalu Prasad Yadav; (3) Shri Tejashwi Prasad Yadav s/o Shri Lalu Prasad Yadav; (4) M/s LARA Projects LLP (erstwhile known as M/s Lara Projects Pvt. Ltd./ M/s Delight Marketing Company Pvt. Ltd.); (5) Shri Vijay Kochhar s/o Shri Om Prakash Kochhar; (6) Shri Vinay Kochhar, s/o Shri Om Prakash Kochhar; (both Directors of M/s. Sujata Hotel Private Limited) (7) Smt. Sarla Gupta w/o Shri Prem Chand Gupta; (8) Shri P. K. Goel, the then Managing Director, IRCTC; & unknown others.

Therefore, a regular case is registered and entrusted to Shri Sanjay Dubey, Dy. SP, CBI, EO-II, New Delhi for investigation.

13. कार्यवाही जो की गई : चूंकि उपरोक्त विवरण क्रमांक 2 में उल्लिखित धारा(ओं) के अंतर्गत घटने वाले अपराध को उद्घाटित करता है

Action taken : Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2

- (1) मामला पंजीकृत किया गया एवं जांच प्रारंभ हुआ अथवा  
Registered the case and took up the investigation or

- (2) निर्देशित (जांच अधिकारी का नाम)                      रैंक                      नं.                      जांच हेतु लिया गया  
Directed (Name of IO)                      Rank                      No.                      Took up for  
**Shri Sanjay Dubey**                      **Dy. Supdt of Police,**                      **CBI, EO-U, EO.II,**                      **New Delhi**                      **investigation Yes**

- (3) कारण से जांच के नामजूर                      अथवा  
Refused investigation due to                      or  
**N/A**

- (4) पुलिस थाना को स्थानांतरित किया गया                      जिला                      क्षेत्राधिकार के आधार पर  
Transferred to PS                      District                      on point of jurisdiction  
**N/A**

अभियोगी / सूचनाकर्ता को प्र.सू. पत्र पढ़ाकर / पढ़कर सुनाया गया, जिन्होंने सही-सही अभिलिखित होना स्वीकार किया। इसकी एक प्रति अभियोगी / सूचनाकर्ता को नि:शुल्क प्रदान की गई।

FIR read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informant, free of cost.

पढ़ कर सुनाया व सही स्वीकृत होना पाया।  
R.O.A.C.

14. अभियोगी / सूचनाकर्ता के हस्ताक्षर  
Signature/Thumb impression  
of the complainant/informant

थाना अधिकारी के हस्ताक्षर  
Signature of Officer in-charge  
Police Station Superintendent of Police,  
नाम / Name                      CBI, EO.II, New Delhi  
( पद ) / Rank                      No.

15. न्यायालय को भेजने का दिनांक एवं समय  
Date and time of despatch to the court

( प्रभारी अधिकारी के हस्ताक्षर तारीख सहित )  
Signature of recording Officer with date

प्रथम सूचना रिपोर्ट का आइटम 7 लगाएं

Attachment to item 7 of First Information Report

संदिग्ध व्यक्ति की शारीरिक विशेषताएं, विरूपता तथा अन्य विवरण :-

Physical features, deformities and other details of the suspect/accused : (If known / seen)

क्र.सं. Sl. No.	*लिंग (Sex)	*जन्म की तारीख / वर्ष Date/Year of Birth	*शारीरिक गठन (Built)	*ऊंचाई से. मी. में (Height) (in Cms)	*वर्ण (Complexion)	*पहचान चिह्न (Identification Mark/s)
1	2	3	4	5	6	7

विरूपता/विलक्षणता (Deformities/ peculiarities)	दांत (Teeth)	बाल (Hair)	आँख (Eye)	आदतें (Habits)	पहनावा (Dress Habit/s)
8	9	10	11	12	13

भाषा / बोली (Language/Dialect)	स्थान / Place of				
	जले का निशान (Burn Mark)	श्वेत कुष्ठ (Leucoderma)	तिल (Mole)	जखम चिह्न (Scar)	गोदना (Tattoo)
14	15	16	17	18	19

अभियोगी / सूचनाकर्ता, द्वारा संदिग्ध / अभियुक्त के बारे में एक या अधिक विवरण दिए जाने पर ही इसमें प्रविष्टि की जाए।

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.

Endst. No. 5401-5405 /RC 220 2017 E 0013-EOU-IV/EO-II Dated : 05.07.2017

Copy to :-

1. The Spl. Judge, CBI Cases, Patiala House Courts, New Delhi.
2. HOZ/CBI/EOZ-I/New Delhi.
3. HOB/EO-II/CBI/New Delhi.
4. The Advisor Vigilance, Ministry of Railways, Railway Board, New Delhi.
5. Sh. Sanjay Dubey, Dy. Supdt. of Police, CBI, EOU-V, EO-II, New Delhi  
(Investigating Officer)
6. Guard File.

  
SUPDT. OF POLICE  
CBI/EO-II/NEW DELHI