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DEPOSITION OF WITNESS

(Chapter XXIII Code of Criminal Procedure)

IN THE COURT OF THE II ADDITIONAL DISTRICT JUDGE
(C.B.I.CASES) COIMBATORE.

Calender Case No. 1/2016

Deposition of Witness for	}	: Prosecution PW -2
		: Defence
		: Court : - II ADDITIONAL DISTRICT COURT, (CBI CASES), COIMBATORE

Name : Sanjiv Talwar

Father's Name :

Village :

Taluk :

Caste :

Calling :

Religion :

Age: :

Solemnly affirmed in accordance with the provisions of Act X of 1873 on the
16th day of December 2019 .

Chief Examination:

I am presently staying at Flat No.1662,ATS Village, Sec 93A, Noida, Uttar-Pradesh. I retired as the Engineer in Chief under the Ministry of defence. I retired on 31-01-2017. My nature of work as Engineer in Chief was to oversee all matters related to the Engineer corps of the Indian Army including taking departmental action as Authorized. I was empowered to accord sanction for prosecuting Group B level officers under the CCS Rule 1965 in conjunction with the notification of Govt of India. The person working as AGE and JE Civil falls under the category of Group B level officers and I am empowered to remove them. In December 2015, I was holding the post as Engineer in Chief. I accorded prosecution sanction for the individual mentioned namely one R.Ramaligam, AGE, G.Sanjeevi, JE Civil, N.P.Muralidharan, JE Civil, Thiru.Sankaranarayanan, JE Civil, and V.Simachalam, JE Civil, who are all working at Air-force station, Sulur, in MES. Now I am shown the sanction order accorded by me. It contains my signature and the same is marked as Ex.P2 (7 sheets). I received the CBI report, which included copy of FIR, the report itself, list and statement of witness and copies of documents. These were received by the Vigilance of my Department. It was put up to me and after going through it and applied my mind and decided to accord sanction for prosecution against those aforesaid individuals.

Cross Examination (A4, A5, A6)

Whether the work of laying and Repairing of runway is done by contract basis the answer is Yes. For that purpose a written contract is executed by the Authorized functionary and the contractor. Whether the contractor is selected from the panel of contractor list available with our office the answer is in the MES we have various Grades of Contractor who are enlisted and based on this Grades they are entitled to raise their tender depending on the Envisaged cost of the project. Whether in this case the contract was signed by the

Chief Engineer, Bangalore the answer is I am not aware of it at present. Whether to execute the contract , was entrusted to CWE , Commander works Engineer ,the answer is I do not remember. It is suggested that at Sullur there is Garrison Engineer Air-force , the answer is there are two Garrison Engineer's at Sullur Air-force. One GE, looks after the maintenance and the Second GE is nominated to look after the project. Who nominated the Garrison Engineer to take over the project , the answer is I do not recall at this stage but under normal norms the CWE, Trivandram could have done. I would like to add that the GE Project is not a permanent establishment but is raised at a location where a large project is under way or coming up location. It is suggested that there is a quality check department to check the quality, the answer is quality check in MES during execution are carried out by the following methods firstly by out sourcing the same to Civil Agencies including checks to be certified through the contractor by a specified agency , secondly there are test laboratories located at command head quarters for any additional checks by the department and thirdly there is a department of technical examination at the Army head quarters with sub departments at each command head quarters, who are required to carryout random quality checks of major projects. The laboratories at the site itself are specified in the contract itself and setup normally in-conjunction with the contract. It is suggested that Sullur project was a Big Project, the answer is it is an important project. It is suggested that since it is to be used in emergency , it is highly sensitive project , the answer is all runways should be of the highest quality. It is suggested that after completion of the runway there was a structurally fit report given by SEMT wing CME Pune, the answer is the soil evaluation and material testing wing at the college of Military Engineering ,Pune carries out technical evaluation of a project when they are asked to do so. Whether while going through records I came across

such report, the answer is I do not recall without reference to the documents about the said report. It is suggested that in Ex.P2 I have mentioned relevant records whether it includes the above said report the answer is I do not remember. Whether Sulur Air-force has been conferred with Special Category Security , the answer is I am not competent to answer. It is suggested that without prior permission and identification nobody would be permitted the free entry the answer is it has certain checks and balances for it. It is suggested that the sanction accorded by me is without application of mind and it is given mechanically the answer is I strongly deny the same. It is suggested that there are no grounds for subjective satisfaction the answer is I deny the same. It is suggested that each officers deputed under Sulur Air-force has a prescribed duty to function the answer is under the regulation for Military Engineer Services duties of various appointment are specified and as Amended from time to time by policy makers. It is suggested that D13 at running page 359 , dated 14-03-2014 contains the structurally Fit Report the answer is the report which is now shown to me is under the letter head of NIT Thiruchirapalli and is dated 14-03-2014 and addressed to the local office, Sulur, Coimbatore and specific as I see it to bitumen sample and impact assesment only. I further add that while according sanction I do not recall seeing this report at that time.

Cross examination by (A7)

It is suggested that Junior Engineer are appointed and terminated by major General only the answer is in my capacity as Engineer in Chief , I am the competent Authority for removal of any Group B officer. It is suggested that I am not the competent authority to remove JE, the answer is I deny the same. Whether the entire amount of the contract work was given to the contractor the answer is , I do not recall. It is suggested that in my sanction

order it was mentioned as if entire amount was dispersed, the answer is in my sanction order, a specified amount of Rupees 34,70,39,894/- was paid to M/s BR Arora and Associates. It is suggested that I have not applied my mind before according sanction the answer is I deny the same.

Cross Examination (A8)

Whether before according sanction I ascertain that A8 Simachalam was permanently deployed for that particular project as JE, the answer is I would like to clarify that my prosecution sanction was based on his signatures at certain places in the checks I did not ascertain that he was permanently deployed or not. It is suggested that before deploying a person permanently regarding runway work, he should have some experience, the answer is under Ideal condition certain experience is always recommended but on ground availability of staff some times dictates otherwise. Whether I ascertained the Junior Engineers permanently deployed this project only after taking in to consideration of their experience the answer is , at the time of according prosecution sanction I did not examine the experience of that concerned JE. It is suggested that a newly appointed JE would act according to the instruction of his senior the answer is this depends upon individual to individual. It is suggested that A8 was never permanently deployed for the project , the answer is I am unaware of the same. It is suggested that when permanent JE's are on leave, he being a newly appointed JE, in order to gain experience he was deployed temporarily on some days the answer is this would be the prerogative of his seniors and I cannot comment. It is suggested that the sanction was given mechanically by me, the answer is I deny the same. It is suggested that I have not conducted any independent enquiry to ascertain the allegation by CBI that it is true or not and accorded sanction by going through the paper the

answer is I deny that the prosecution sanction given by me was mechanical or without application of mind because it is based on the CBI report and connected documents , departmental action and enquiry was also under taken to my knowledge. It is suggested that an arbitration op is filed as AOP number 243/19 before the Principal District Court, Coimbatore under Sec 34 of the arbitration Act and Union of India is the petitioner/ appellant the answer is I am not aware of the same.

Cross Examination (A1 to A3 and A14 and A9) - No Cross

/sd/ S.Nagarajan, M.L.,
II Additional District Judge,
(CBI Cases),Coimbatore.