



HIGH COURT OF UTTARAKHAND AT NAINITAL
HON'BLE THE CHIEF JUSTICE MR. G. NARENDAR
AND
HON'BLE SRI JUSTICE ALOK MAHRA
6TH JUNE, 2025

WRIT PETITION (PIL) NO. 92 OF 2025

Bobby PanwarPetitioner.

Versus

State of Uttarakhand & othersRespondents

Counsel for the petitioner	:	Mr. Navnish Negi, learned counsel.
Counsel for the State	:	Mr. S.N. Babulkar, learned Advocate General with Mr. C.S. Rawat, learned Chief Standing Counsel.
Counsel for respondent Nos. 3 & 4	:	Mr. Vinay Kumar, learned counsel.
Counsel for respondent No. 5	:	Mr. D.S. Patni, learned Senior Advocate assisted by Mr. D. Barthwal, learned counsel.

JUDGMENT : (per Mr. G. Narendar, C.J.)

Heard learned counsel for the petitioner and learned Advocate General with the Chief Standing Counsel for the State.

2. Learned Advocate General has placed on record the proceedings of the Additional Secretary, Personnel and Vigilance Department dated 08.07.2024.

3. At the outset, learned Advocate General would oppose the maintainability of the petition on the short ground that there are numerous cases filed against the petitioner; that he has contested elections and; that this is not a public interest litigation, but a *Paisa Vasool* litigation. He would also place reliance on a ruling of the Hon'ble Apex Court rendered in the case of **State of Jharkhand vs.**



Shiv Shankar Sharma (Civil Appeal Nos. of 2022 arising out of SLP (C) Nos. 10622-10623 of 2022) reported in **2022 SCC OnLine SC 1541**, decided on 07.11.2022, and in particular, he would place reliance on the observations of the Hon'ble Apex Court in Paragraph Nos. 24, 25, 26, 29, 30 and 31.

4. The fulcrum of the allegation is that respondent No. 5, who is currently functioning as Managing Director of Uttarakhand Power Corporation Limited, has indulged in corrupt practices in the matter of awarding tenders and has amassed wealth disproportionate to known source of income.

5. The petition is canvassed along the same lines and reliance is sought to be placed on a report of a Committee constituted by the then Managing Director of Power Transmission Corporation of Uttarakhand Limited vide order No. 713 dated 01.05.2018. The Committee, after conducting the inquiry, is said to have submitted a report indicting the fifth respondent, who then was discharging the duties as Chief Engineer, but while so observing, the Committee held that as the Committee is not vested with either Investigative or police powers and hence the matter is required to be dealt with by the State Vigilance Establishment.



6. The learned Advocate General would submit that the Personnel and Vigilance Department has ruled to drop the inquiry vide order dated 08.07.2024.

7. In that view of the matter, he would submit that the decision having been taken and the same not being challenged, the question of entertaining the writ petition would not arise. That apart, he would reiterate his contention that the petitioner and the petition lacks bonafides and; that in the light of the law laid down by the Hon'ble Apex Court in the ruling referred to supra, the matter requires to be gone through by a Court of competent jurisdiction, and this Court, in exercise of its powers under Article 226 of the Constitution of India, cannot conduct a trial, which has implications of incarcerations and detentions.

8. The contentions, canvassed by learned Advocate General, bears substance and merits consideration. The matter requires establishment of facts and appreciation of material for concluding such facts.

9. In that view, the contention that the forum for the petitioner would be before the competent Trial Court and not before this Court requires to be appreciated.

10. Learned counsel for the petitioner would submit that such liberty may be granted to him to approach the



competent Court.

11. The submissions of the learned Advocate General and the learned counsel for the petitioner are placed on record.

12. The petition is disposed of by permitting the petitioner to approach the competent Court having jurisdiction to entertain complaints relating to offences under the Prevention of Corruption Act.

13. The petition stands ordered accordingly.

14. Pending application, if any, also stands disposed of.

G. NARENDAR, C.J.

ALOK MAHRA, J.

Dt: 6th June, 2025

Rathour