

BEFORE THE HON'BLE COMMISSION OF INQUIRY
CONSISTING OF:
THE HON'BLE SHRI J. A. PATIL,
(RETIRED JUDGE, BOMBAY HIGH COURT)
CHAIRMAN
AND
SHRI P. SUBRAHMANYAM
(RETD. CHIEF SECRETARY, GOVT. OF MAHARASHTRA)
MEMBER

I, Ashok Shankarrao Chavan, aged 52 years, presently an elected member of Maharashtra Legislative Assembly from Bhokar Assembly Constituency of Nanded District of Maharashtra having my permanent residence at Shivaji Nagar, Nanded, Maharashtra and also an address in Mumbai at Bhagirathi Bhavan, Dadi Besh, First Cross Lane, Babulnath, Mumbai - 400 007 do hereby solemnly affirm and say as follows:-

1. I have received from the Hon'ble Commission of Inquiry the following:-

- (i) a Summons (bearing Outward No. 121) dated 9th May, 2011.
- (ii) a letter (bearing Outward No. 125) dated 16th May, 2011 enclosing copies of:-
 - (a) an Affidavit dated 14th February, 2011 of Shri Santosh Daundkar filed before the Hon'ble Commission (pages 1 to 42);
 - (b) an Affidavit dated 10th May, 2011, of Shri Santosh Daundkar filed before the Hon'ble Commission (pages 1 to 21); and

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O.O.C.J. by Shri Santosh Daundkar (pages 1 to 73).

2. By the letter dated 16th May, 2011, the Hon'ble Commission has brought to my notice:-

(i) That one Shri Santosh Daundkar, a resident of Mumbai has filed the above two affidavits dated 14th February, 2011 and 10th May, 2011 before the Hon'ble Commission making personal allegations against me in my capacity "as the then Chief Minister of Maharashtra".

(ii) That he (Santosh Daundkar) has also filed a PIL in the Bombay High Court, OOCJ, being PIL No. 47 of 2010 making therein personal allegations against me.

2.1 The Hon'ble Commission has thought it proper that I be given an opportunity to deal with the allegations made by Shri Santosh Daundkar against me personally in the affidavits as well as in the PIL referred to above and requested that I deal with the allegations made against me in both the affidavits and the PIL and file a detailed affidavit accordingly covering all the points including the terms of reference at Sr. Nos. 1 to 13 served earlier with the Summons.

3. By the aforesaid summons and letter, I was requested to file an Affidavit personally or through representatives on or before 26th May, 2011. The time for filing the affidavit has since been extended to 20th June, 2011.



Daundkar

affidavits

*allegations
of Daundkar*

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4. I have not been made a party to the PIL. I had no knowledge or notice of the affidavits or the PIL. The same have come to my notice for the first time on notice being given as aforesaid.



4.1 I have read:

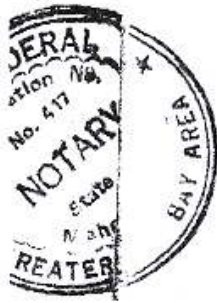
- (i) a copy of the affidavit dated 14th February, 2011. The only allegations against me in the said affidavit are at paragraph 4.23 [sub-paragraphs (a) and (b)].
- (ii) a copy of the affidavit dated 10th May, 2011. This affidavit, even after a careful reading thereof, does not disclose any allegations against me personally.
- (iii) a copy of the PIL No. 47 of 2010. This petition, even after a careful reading does not disclose any personal allegation against me.

5. During my tenure as a Cabinet Minister in the Government of Maharashtra from 16th October 1999 to 16th January 2003, I was holding the portfolio for Revenue & Protocol. Thereafter, from 20th January 2003 till 19th October 2004 and again from 1st November, 2004 till 4th December 2008, I was a Cabinet Minister in the Government of Maharashtra holding portfolio of Transport/Industries. On 8th December 2008 I was sworn in as Chief Minister of Maharashtra and held that position till 9th November 2010.

1999 - 2003
Rev Min

5.1 I have been named in the FIR filed on 29th January, 2011 by the CBI.

6. I say that allotment of lands belonging to the State of Maharashtra by the Government to Cooperative Housing Societies, at the time when I



was Revenue Minister, was governed by Government Resolution dated 9th July 1999. Ordinarily, matters relating to allotment of lands situate in Maharashtra and determination of eligibility of Society and its members were the function of the Revenue Department headed by the Revenue Minister. However, in respect of allotment of plots of land of the value exceeding Rs.25 lakhs and plots of land situate in Pune City, Mumbai City and Suburbs, the decision for allotment is of the Chief Minister as per the Rules of Business and the Office Order dated 31st May 1993 issued by the Revenue Department and the directions of the Chief Minister contained in a letter dated 19th July, 2001 from the Secretary to the Chief Minister to the Revenue Department. In the latter cases, the Revenue Department would be carrying out the administrative verification of compliances of the above Government Resolution of 1999 and the amendments thereto from time to time which governed the allotment of plots of land to Co-operative Housing Societies in Maharashtra.

7. All the procedural and administrative compliance in respect of rules, regulations, statutes, guidelines and records are matters which are looked into and examined by bureaucrats of the concerned departments. Broadly speaking, the hierarchy within the departments is that each department is in charge of a Senior Bureaucrat such as Principal Secretary. Ordinarily, he would have below him Joint Secretary, Deputy Secretary, Under Secretary and Desk officers for carrying out the detailed day to day activities and functioning of the Department such as carrying out directions, making reports, addressing correspondence, scrutinizing



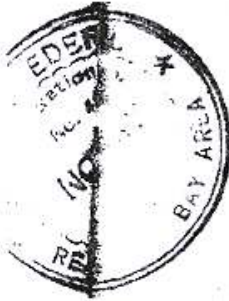
the file/s are dealt with by each one of the concerned department in relation to matters concerning that department and thereafter forwarded to the other concerned department/s for decision/s/clarification in relation to matters concerning the other department/s. In the case of Adarsh Society, the Membership eligibility was approved by the Government in July/August, 2004 and subsequently this authority was delegated to the Collector in September, 2004.

8. It is not uncommon for Minister/s, including the Chief Minister or Secretary/s, to directly receive written or oral representations from diverse persons, groups, organizations, associations, co-operative societies, institutions, personally or through or along with elected representatives like MLAs, MLCs or MPs. Often such representations are made simultaneously to various persons in government be it Ministers or Bureaucrats.

9. Sometime in February 2000, the Adarsh Cooperative Housing Society made a representation to the then Chief Minister for allotment of Government land in Block VI of Backbay Reclamation Scheme admeasuring 3854 sq.mts. (hereinafter referred to as "the said land"). Since the issues raised in this letter, inter alia, related to matters of the Revenue Department, the same was marked to the Principal Secretary (Revenue) by the then Chief Minister with a remark to put up the proposal. Apparently, the matter was considered by the Revenue Department who in turn forwarded the matter to the Collector, Mumbai, for examination. The Collector by letter dated 12th May 2000 had initially

placed his views on the proposal to the Principal Secretary, Revenue Department.

10. In early June 2000 representatives of the Society met me as Revenue Minister and urged me to consider the allotment of the said land to the Adarsh Cooperative Housing Society. Certain officials of the Revenue Department were also present at this meeting. I heard the representatives and requested the Revenue Department to seek the necessary information and clarifications. This is recorded in a File Note of the meeting prepared by the Deputy Secretary. A copy of the said file Note is hereto annexed as Annexure A.



11. I say that there was no question of my suggesting that civilian members be included in the Society and any suggestion that this was discussed with me or that I had suggested or directed or decided on the same is false and denied. In the meeting I had asked the Department only to look into the issue relating to the allotment of the land and call for the required information in respect thereof. No decision was taken at that meeting.

12. I understand that based on the discussions in the meeting of early June 2000, the Deputy Secretary, Revenue Department addressed a letter dated 5th June 2000 to the Collector requesting him to furnish information, inter alia, in respect of the land, eligibility of members of the Cooperative Housing Society, value of the land and whether the land falls in the CRZ. The file came back to me only sometime in the end of July 2002, that is nearly two years after the aforementioned meeting. At that time, the Principal Secretary (Revenue) put up a Note recommending the issue of



a Letter of Intent for allotment of the said land to the Society. The Principal Secretary also recommended that the Letter of Intent should contain conditions, inter alia, that prior to the grant of the land to the Society, the eligibility of the members be scrutinized strictly and that prior to the construction, permission of MOEF be taken. This recommendation was signed by me on 25th July 2002 and thereafter, forwarded to the Chief Minister who also signed the Note. Ultimately, the Letter of Intent was issued by the Revenue Department on 18th January 2003 containing numerous conditions which were to be complied with by the Society before sanction of the allotment of the said land. As stated above, on 16th January 2003, I ceased to be the Minister holding Revenue Portfolio and was not aware of the events which took place thereafter in respect of this proposal. I have learnt that the allotment of the land was sanctioned in July 2004.

*16-1-2003
I ceased to be Minister*

Allotment sanctioned in 2004

When file placed before me in July 2002

13. I say that whilst I was Cabinet Minister holding Revenue Portfolio a meeting was held in June 2000 as stated above and the file was placed before me in July 2002. I say that at that stage the matter relating to the allotment of land was still only at the stage of verification of the proposal and there was no question of the Revenue Department having taken any decision at that stage, for the allotment of the land. This decision for allotment of land took place more than 16 months after I ceased to be the Revenue Minister. In view of the above, I have no personal knowledge of any matters regarding the actual verification/approval of members by the Department or matters related to the allotment of the said land to the Society.

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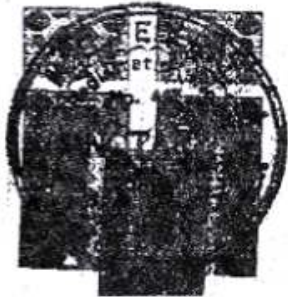
as Rev Min

14: I say that whilst I was the Revenue Minister my actions were only to seek compliance of the Government Resolution of 9th July 1999 for allotment of lands belonging to the State of Maharashtra. Matters relating to, inter alia, the eligibility of membership of the Society, reservation of the land or membership of the Society for Defense personnel were all matters which were governed by the Government Resolution of 9th July 1999. The procedure relating to the verification of the relevant facts in respect thereof was undertaken by the Collector of Mumbai and officials of the Revenue Department and which procedure went on even much after I left the Revenue Department. Matters relating to reduction of the width of Prakash Pethe Marg, changes of reservations from roads to residential, deletion of the reservation of plot reserved for BEST, matters relating to the Maharashtra Regional & Town Planning Act and Development Control Rules and Regulations and also matters relating to the Coastal Regulation Zone Rules, obtaining of environmental permissions and clearances, are matters which did not come under the scope of duties and responsibilities of the Revenue Department.

15. I say that I have acted in a bona fide manner and in good faith and done nothing wrong. I have not done anything illegal during my tenure.

Solemnly affirmed at Mumbai, ..
This 20th day of June, 2011.

Reson



Before me.
M. S. Federal
20th June 2011

M. S. FEDERAL,
Advocate, Solicitor & Notary,
Greater Bombay,

1195/11
Notary Registration

BEFORE THE HON'BLE COMMISSION
OF INQUIRY
CONSISTING OF:

THE HON'BLE SHRI J. A. PATIL,
(RETIRED JUDGE, BOMBAY HIGH
COURT), CHAIRMAN
AND

SHRI P. SUBRAHMANYAM
(RETD. CHIEF SECRETARY, GOVT. OF
MAHARASHTRA), MEMBER

AFFIDAVIT OF MR. ASHOK
SHANKARRAO CHAVAN

DATED THIS 20th DAY OF JUNE,
2011

M/s. Federal & Rashmikant,
Advocates for Mr. Ashok S. Chavan,
Sekaria Chambers, 1st floor,
Office Nos. 101-104,
139 Nagindas Master Road,
Opp. Commence House, Fort,
Mumbai-400 023

जिल्हाधिकारी, मुंबई नगर यांचे दिनांक 9/2/8/12
 येथे प्रत नमुपया पडाले



2. जिल्हाधिकारी यांनी सी.बी.आर.वॉलंट्स हे
 तशील जाँट ३-८० शब्दांत संरक्षण विभागाच्या
 प्रत्यक्ष संचालितपणे तांच्यात विलंबी जागीत सी.बी.
 3040-८2 ची.सी. संरक्षण विलंबीत आधिकार्याची
 स्थापन केलेल्या विभागीत गावरी वडे गडेजिनिनि
 संस्थेत देण्याबाबतचा प्रस्ताव गावचाचे गावचाचे मते
केला आहे.

3. जिल्हाधिकारी यांचा सहायक संचालक नाही,
 तसेच त्यांच्यात आवश्यकता लागवपत पाहिलेली नाही.
 त्यामुळे या बाबत सहायकाचे केंद्रच होत विलंब होत नाही
 या बाबत काय दि. 2/11/2000 वेली, संस्थेचे
 पदाधिकारी यांचे मतेत गा. विलंबीत यांचेची
 यथा.शाली. गा. गडेजिनिनि यांनी जिल्हाधिकारी
 यांचेकडून आवश्यकता विलंबी मतेत गावचाची मते
मिदना दिले.

या बाबत जिल्हाधिकारी यांचेकडून आधिकारी
 गा. विलंबीत यांचे प्रारूप प्र. 9/10/12 व विलंबीत
 मते. निर्गमित करण्यात यावे

True Copy
 As per record of
 Concerned Dept./party
 Section Officer
 Commission of Inquiry
 Adarsh CHS Mumbai

2/11/2000
 (म. व.)

उप. संचालक
 मह. व. मतेत
 महाराष्ट्र न. व. विभाग
 संभाळण. मुंबई. 400 037

13/11/12
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