

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. **12**
Serial No.

1. जिला : थाना : वर्ष : प्र.सू.प्र.क्र.
District PS: Year FIR No. दिनांक :
Date

New Delhi CBI/EOU.IV/EO-II 2017 RC2202017 E 0011 15.05.2017

2. (1) विधान : धाराएं :
Act IPC Sections 120-B r/w Sec. 420
- (2) विधान : धाराएं :
Act PC Act 1988 Sections 8, and 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, Taking gratification, in order,
(a) Suspected Offence by corrupt or illegal means, to influence public servant and criminal misconduct

(ख) दिन : दिनांक समय
(b) Day Date Time

(ग) थाने पर सूचना प्राप्त होने का दिनांक
(c) Information received at PS Date

कायमी अपराध : दिनांक समय
Entry No. Date Time

4. सूचना का प्रकार : 15.05.2017 10:15 Hrs.
Type of Information लिखित/मौखिक
Source Written/Oral Oral

5. घटना का स्थान
Place of Occurrence

Delhi, Mumbai, Chennai 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)

As per the attached list

(2)

(3)

2(a)

NAME OF ACCUSED PERSONS

- 1) M/s INX Media (P) Ltd, Mumbai through the then Director Indrani Mukherjea and others.
- 2) M/s INX News (P) Ltd through the then Director Sh. Pratim Mukherjea @ Peter Mukherjea and others.
- 3) Sh Karti P Chidambaram, R/o 16, Pycrofts Garden Road, Thousand Lights, Chennai.
- 4) M/s Chess Management Services (P) Ltd represented through its Director Sh. Karti P. Chidambaram and others.
- 5) M/s Advantage Strategic Consulting (P) Ltd. represented through its Director Ms. Padma Vishwanathan @ Padma Bhaskararaman and others.
- 6) Unknown officers/officials of M/o Finance Govt. of India.
- 7) Other unknown persons

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 reliable information has been received to the effect that M/s. INX Media Private Limited, incorporated on 08/08/2006 under the provisions of Companies Act 1956 was having its registered office at Phoenix Mills compound, Lower Parel, Mumbai. The Company through its application dated 13/03/2007, approached the Chairman, Foreign Investment Promotion Board, (FIPB), Department of Economic Affairs, Ministry of Finance, Govt. of India, seeking approval of the FIPB for permission to issue by way of a preferential allotment, in one or more tranches (i) upto 14,98,995 equity shares of Rs. 10 each; and (ii) upto 31,22,605 convertible, non cumulative, redeemable preference shares of Rs. 10 each collectively representing approximately 46.216% of the Issued Equity Share Capital of INX Media Pvt. Ltd. on an "as converted" basis to three non resident investors under the Foreign Direct Investment Route as under-

Sl. No.	Name of the Foreign Investor	No. of Equity Shares	No. of Preference Shares	Percentage Share Holding on as converted basis.
1	Dunearn	upto 6,45,447	upto 13,44,553	upto 19.900%

3(a)

	Investment (Mauritius) Pte. Ltd.			
2	NSR- PE Mauritius LLC	upto 6,48,691	upto 13,51,309	upto 20.000%
3	New Vernon Pvt. Equity Ltd.	upto 2,04,857	upto 4,26,743	upto 6.316%
Total FDI		upto 14,98,995 equity shares	upto 31,22,605 preference shares	upto 46.216%

M/s INX Media Private Ltd. sought this approval for engaging in the business of creating, operating, managing and broadcasting of bouquet of television channels including Hindi entertainment channel, multiple Vernacular entertainment channels. The said company in its application sought permission for issuing the shares at its face value of Rs 10/- each. The Company in its application had also mentioned about its intention, subject to the provisions of applicable laws, make a down stream financial investment to the extent of 26% of the issued and outstanding equity share capital of M/s. INX News Private Limited.

The application of the company seeking FIPB approval was received and acknowledged by the Deptt. of Economic Affairs, FIPB Unit, Ministry of Finance, through its letter dated 15.3.2007. Thereafter, vide Office Memorandum dated 16.3.2007, the FIPB Unit forwarded the proposal to various departments of Govt. of India for forwarding their comments on the same.

Information further discloses that the FIPB Unit while sending the brief of the proposal which was to be put to the FIP Board for its meeting scheduled on 18/05/2007 had clearly mentioned the inflow of Foreign Direct Investment to the extent of Rs. 4,62,16,000 (Rs. 4.62 crores) taking the proposed issue at its face value. The FIPB Unit also clearly stated that for downstream investment in INX News (P) Limited a separate FIPB approval will be required.

The Foreign Investment Promotion Board in its meeting held on 18/05/2007 recommended the proposal of INX Media (P) Limited to the above effect for consideration and approval of the Finance Minister. However, in the meeting, the Board did not approve the downstream investment by INX Media (P) Limited in INX News (P) Limited. Accordingly the recommendations were approved by the then Finance Minister.

It is further disclosed that in the Press Release dated 30/05/2007 issued by the FIPB Unit indicating the details of proposals approved in the FIPB meeting the quantum of FDI / NRI inflow against M/s. INX Media was shown as Rs. 4.62 crores.

Information further disclosed that contrary to the approval of FIPB conveyed through Letter dated 31/05/2007 and condition mentioned therein, M/s. INX Media (P) Limited deliberately and in violation of the conditions of the approval (i) made a down stream investment to the extent of 26% in the capital of INX News (P) Limited without the specific approval of FIPB which included indirect foreign investment by the same foreign investors and (ii) generated more than Rs. 305 crores Foreign Direct investment in INX Media (P) Limited against the approved foreign inflow of Rs. 4.62 crores by issuing the shares to the foreign investors at a premium of more than Rs. 800/- per share.

Information further disclosed that upon receipt of a complaint in this regard, the Investigation Wing of the Income Tax Department, in February, 2008 sought clarifications on the above two issues from the FIPB Unit of Ministry of Finance. Based on such information received from the Income Tax and finding it to be contrary to the policy and procedures of Foreign Direct Investment, the FIPB Unit informed the Income Tax Authorities that the matter was being verified. Parallely, FIPB unit through its letter dated 26/05/2008 sought clarifications from M/s. INX Media (P) Limited on both the issues.

Upon receipt of this letter from the FIPB Unit, M/s. INX Media (P) Limited in order to wriggle out of the situation without any punitive action, entered into a criminal conspiracy with Shri Karti P. Chidambaram, son of Shri P. Chidambaram, the then Finance Minister of India, and Promoter Director of M/s. Chess Management Services (P) Limited, Chennai, so as to get the issues resolved / addressed amicably by influencing the public servants of the FIPB Unit of Ministry of Finance by virtue of his relationship with the then Finance Minister.

Based on the clarifications suggested by M/s. Chess Management Services (P) Limited, M/s. INX Media (P) Limited through their letter dated 26/06/2008 tried to justify their action on both the two counts as under: (i) On the un approved and un-authorized down stream investment, M/s. INX Media falsely claimed that the same was in accordance with the approval, and (ii) on the excess foreign inflow received, the same was justified as premium received against the shares issued.

Information further disclosed that upon receipt of such letter from the company M/s. INX Media (P) Limited, the concerned officers and officials of the FIPB Unit of Ministry of Finance, by virtue of the influence exercised over them by Karti P. Chidambaram, not only ignored the serious illegality on the part of M/s. INX Media (P) on both the counts but also deliberately embarked on showing undue favour to M/s. INX Group by abusing their official position and advised M/s. INX News (P) Limited to apply afresh for FIPB approval in respect of the downstream Investment which had already been made by INX Media (P) Limited. In their endeavour to show undue favour M/s. INX group, the officers / officials of FIPB Unit also ignored the request of the Department of Revenue to investigate the matter as to how downstream investment in M/s INX News Pvt Ltd was made by the company without FIPB approval.

Information further discloses that M/s. INX News (P) Limited by deliberately concealing the fact that they had already received the investment in INX News (P) Limited to the extent of 26% including indirect foreign investment,

in pursuance to a criminal conspiracy, again approached FIPB Unit of Ministry of Finance on their suggestion and sought permission for the down stream investment. Such deceitful and fallacious proposal was favourably considered by the officials of Ministry of Finance and approved by the then Finance Minister. The concurrence to the 'proposed investment' which had already been made without the approval of the Finance Ministry show the malafide and dishonest intention on the part of officials of the Ministry for (a) not taking any punitive action against the proven violation by the company (b) covering such illegality by seeking an application from the company and granting permission to the company as if the company was yet to receive the Foreign Investment.

By such partisan and malafide acts done pursuant to the criminal conspiracy with the beneficiary company and the intermediaries, the senior officials of Ministry of Finance not only granted the illegal approval but also misinformed the investigation being conducted by the Investigation Wing of the Income Tax in this regard.

Information further disclosed that for the services rendered by Shri Karti P. Chidambaram to M/s. INX Group through Chess Management Services (P) Limited in getting the issues against INX group scuttled, by influencing the public servants of the FIPB Unit of the Ministry of Finance, consideration in the form of payments were received against invoice raised on INX Media (P) Limited by M/s. Advantage Strategic Consulting (P) Limited (ASCPL). The source informs that the very reason for getting the invoice raised in the name of M/s. ASCPL for the services rendered by M/s. Chess Management Services (P) Limited was with a view to conceal the identity of Shri Karti P. Chidambaram in as much as on the date when the invoice was raised or when payment was received, Shri Karti P. Chidambaram was Promotor Director of M/s. Chess Management Services (P) Limited, whereas M/s. ASCPL was being controlled by him indirectly. Information also disclosed that the invoices for approximately an amount of Rs. 3.5 crores were also got raised in favour of M/s. INX group in the name of other companies in which Shri Karti P. Chidambaram was having sustainable interests

either directly or indirectly. Such invoices were falsely got raised for creation, acquisition of media content, consultancy in respect of market research, acquisition of content of various genre of Audio/Video etc. However, INX group in its record has clearly mentioned the purpose of payment of Rs. 10 lacs to M/s Advantage Strategic Consulting (P) Ltd as towards "Management consultancy charges towards FIPB notification and clarification".

The above acts of omission and commission prima facie disclose commission of offence under section 120-B r/w 420 IPC, Section 8 and Section 13 (2) r/w 13(1) (d) of PC Act, 1988 against (1) M/s. INX Media (P) Limited through its then Director, Smt. Indarni Mukherjea and others (2) M/s. INX News (P) Limited through its then Director, Sh. Pratim Mukherjea and others (3) Shri Karti P. Chidambaram, (4) M/s. Chess Management Services (P) Limited through its Director Sh. Karti P. Chidambaram and others (5) M/s. Advantage Strategic Consulting (P) Limited through its Director, Smt. Padma Vishwanathan @ Padma Bhaskaraman and others (6) Unknown officers / officials of FIPB Unit of Ministry of Finance, Govt. of India and other unknown persons.

A regular case is, therefore, registered and entrusted to Shri R. Parthasarathy, Dy.SP/CBI/EOU-IV/New Delhi for investigation.

13. कार्यवाही जो की गई : चूँकि 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)
Directed (Name of IO) | रैंक
Rank | नं.
No. | जांच हेतु लिया गया
Took up for investigation |
|--|--------------|------------|---|

Sh. R. PARTHASARATHY

Dy Supdt of Police,
CBI, EOU-IV, EO.II,
New Delhi

Yes

- | | |
|---|------------|
| (3) कारण से जांच के नामंजूर
Refused investigation due to | अथवा
or |
|---|------------|

- | | | | |
|---|-----|------------------|--|
| (4) पुलिस थाना को स्थानांतरित किया गया
Transferred to PS | N/A | जिला
District | क्षेत्राधिकार के आधार पर
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 निःशुल्क 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

नाम / Name

(पद) / Rank

(NIRBHAY KUMAR)

Superintendent of Police,
CBI, EOU-IV, EO.II, New Delhi

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)	जख्म 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. 3739 - /RC 220 2017 E 0011-EOU-IV/EO-II Dated : 15.05.2017

Copy to :-

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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 Jt. Secy. & C. V. O. Deptt. of Economic Affairs, Ministry of Finance, North Block, New Delhi.
5. Sh. R. Parthasarathy, Dy. Supdt. of Police, CBI, EOU-IV, EO-II, New Delhi
(Investigating Officer)
6. Guard File.

o/c

(NIRBHAY KUMAR)
SUPDT. OF POLICE
CBI/EOU-IV/EO-II/
NEW DELHI