

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
RULE 4(e) OF THE B.H.P.I.L. RULE 2010  
PUBLIC INTEREST LITIGATION NO.        OF 2012

Anand S. Jondhale, age 40 years        )  
Indian Inhabitant, having address at        )  
302, S.Y. Chambers No.2, Bomanji Lane        )  
Fort, Mumbai 400 001.        )  
Mobile No. 9967818577        )  
PAN No. AABPJ3551G,        )  
Email I.D.: [jondhale1@gmail.com](mailto:jondhale1@gmail.com)        )        ... Petitioner

Versus

1. Union of India ,        )

2. State of Maharashtra )
3. The Secretary of the Ministry of Youth )  
Affairs and Sports, )  
Room No. 504, B-Wing, Shastri Bhavan, )  
New Delhi- 110001 )
4. President, The Yachting Association of )  
India (YAI), Room No. 403, IV th floor, )  
Chanakya Bhavan, Chankya Puri, )  
New Delhi- 110021 )
5. Captain Homi Motivala, Indian Adult, )  
having address at T-4, Cusrow Baug, Shahid )  
Bhagat Singh Rd, Colaba, Mumbai – 400005)
6. Captain Arvind Raghuwanshi )  
Indian Adult, having address at )  
Room No. 403, IV th floor, Chanakya )  
Bhavan, Chankya Puri, New Delhi- 110021 )
7. Lt. Col Gautama Dutta, Indian Adult, )  
having address at 54, Grants Annexe, )  
19/A BK Road, Colaba, Mumbai – 400005)
8. Captain Monty Khanna, Indian Adult, )  
having address at Room No. 403, IV th floor,)

- Chanakya Bhavan, Chankya Puri, )  
New Delhi- 110021 )
9. Captain Rajesh Sarin, Indian Adult, )  
having address at Room No. 403, IV th floor,) )  
Chanakya Bhavan, Chankya Puri, )  
New Delhi- 110021 )
10. The Commissioner of Customs (Imports) )  
New Customs House, Mumbai )
11. Central Intelligence Unit )  
10<sup>th</sup> Floor, Annexe Building, New Custom )  
House, Ballard Estate, Mumbai )
12. The Chief Commissioner of Customs,Zone-I,) )  
New Custom House, Ballard Estate, )  
Mumbai )
13. The Director of Income Tax (Intelligence) )  
3A, 1<sup>st</sup> Floor, A.R.A. Centre, E-2, )  
Jhandewalan Extention, New delhi-110055 )
14. The Special Director, )  
Directorate of Enforcement, )  
6<sup>th</sup> Floor, Lok Nayak Bhawan, Khan Market,) )  
New Delhi- 110 003 )
15. The Ministry of Shipping Mercantile )  
Marine Department, Mumbai. )

16. The Chief Surveyor and Marine Engineer )  
Maharashtra Maritime Board, )  
PWD Compound, Near Bhavan's College, )  
Dadabhai Road, Andheri (West), Mumbai.)
17. The Secretary, Home Department )  
(Ports and Transport) )  
Govt. of Maharashtra, Mantralaya, Mumbai.)
18. Mr. Anil Ambani, Indian Adult, )  
having address at, M/s Reliance ADAG, )  
Reliance Centre, 19,WH Marg, )  
Ballard Estate, Mumbai- 400 001 )
19. Mrs. Tina Ambani, Indian Adult, )  
having address at, Sea Wind 39, )  
Cuff Parade, Mumbai- 400 005 )
20. M/s. Reliance Transport & Travels Pvt. Ltd. )  
303 Court House, Lokmanya Tilak Marg, )  
Dhobi Talao, Mumbai-400 002 )

To,

The Hon'ble Chief Justice and

other puisne Judges of High Court, Bombay.

THE HUMBLE PETITION OF THE

PETITIONER ABOVENAMED.

MOST RESPECTFULLY SHEWETH :

**PUBLIC INTEREST LITIGATION**

1. **PARTICULARS OF THE CAUSE/ORDER AGAINST  
WHICH THE PETITION IS MADE:**

This Petition is being moved for an exemplary action in relation to corruption by certain personnel of Armed forces in the Sports of Yachting, illegal commercial exploitation of boats/yachts for personal benefits without valid permissions and customs clearance which has resulted in huge misappropriation of taxpayers money spent by the Ministry of Youth Affairs and Sports for winning an Olympic Medal in the Sports of Yachting and the unchecked, unimpeded, unhindered, unrestricted movements of boats and yachts which has already caused a gigantic terror attack on the city of Mumbai on 26th November, 2008.

2. **PARTICULARS OF THE PETITIONER:**

2.1 The Petitioner is law abiding citizen of India and advocate by profession. The Petitioner states that the Petitioner is Social Worker and actively involved in public spirited activities and welfare of the public of the nation. The Petitioner was Member of Rotary Club of Mumbai Mulund South; President Samajwadi Party Mumbai-Legal Cell; Chief Legal Adviser-cum-Spokes Person of National Student Union of India, Mumbai.

2.2 The Petitioner is a law Graduate and practicing law since 1997 in all Courts of India. The Petitioner has appeared in several matters involving various social issues. The Petitioner believes that the misappropriation of taxpayers money and allowing unchecked, unimpeded, unhindered, unrestricted movements of boats and yachts are the offences against the nation.

2.3 The Respondent No.1 is Union of India, Respondent No.2 is State of Maharashtra, The Respondent No.3 is Ministry of Youth Affairs and Sports; Respondent No.4 is President of Yachting Association of India (YAI), the Respondent Nos.5, 6 and 7 are the one who had participated in the overseas events of the Sports of Yachting and had submitted false bills, claimed excess funds from Respondent No.3 through Respondent No.4. The Respondent Nos. 8 and 9 were entrusted enquiry against the Respondent No.5,6 and 7 who manipulated the system in such a manner that all those found guilty were permitted to get away. The Respondent No.10 is Commissioner of Customs (Imports), Central Intelligence Unit. The Respondent No.11 is Chief Commissioner of Customs of Zone-I,

The Respondent No. 12 is The Director of Income Tax (Intelligence), The Respondent No. 13 is The

Special Director of Directorate of Enforcement, The Respondent No. 14 is Ministry of Shipping Mercantile Marine Department, The Respondent No. 15 is the Chief Surveyor and Marine Engineer Maharashtra Maritime Board, The Respondent No. 16 is the Secretary Home Department (Ports and Transport) Government of Maharashtra. The Respondent No. 18 is Mr. Anil Ambani. The Respondent No. 19 is Mrs. Tina Ambani and the Respondent No. 20 is M/s. Reliance Transport & Travels Pvt. Ltd., who had imported new brand superior luxury Yacht (T.I.A.N) in order to evade Custom Duty by claiming it to be 'used' Yacht.

**3. DECLARATION AND UNDERTAKING OF THE PETITIONER :**

3.1. That the present Petition is being filed by way of public interest litigation and the Petitioner does



not have any personal interest in the matter. The Petition is being filed in the interest of Public.

3.2 That the entire litigation costs and other charges are being borne by the Petitioner. The Petitioner has no residential phone number. The Petitioner's Cell Number is 9967818577. The Petitioner by occupation is Advocate. The Petitioner's annual income is about Rs. 6 lacs or thereabout. The Petitioner's PAN No. AABP J3551G.

3.3 That to the best of the Petitioner knowledge and research, the issue raised was not dealt with or decided and that a similar or identical petition was not filed earlier by him.

3.4. That the Petitioner has understood that in the course of hearing of this Petition the Court may require any security to be furnished towards costs or

any other charges and the Petitioner shall have to comply with such requirements.

3.5 The Petitioner states that the Petitioner is not involved in any Civil, Criminal or revenue litigation having legal nexus with the issue involved in this Petition.

#### **4. FACTS IN BRIEF, CONSTITUTING THE CAUSE:**

4.1 The Petitioner states that, the Government of India is spending crores of rupees through the Ministry of Youth Affairs and Sports to win an Olympic medal in the sport of yachting and this is done through Yachting Association of India (YAI) which is headed by none other than the Chief of Naval Staff. The Petitioner would like to bring the following facts to the notice and request for exemplary action in relation to corruption by certain personnel of the armed forces in the sport of yachting and illegal commercial exploitation of boats for

personal benefits without valid permissions and customs clearance. The Petitioner states that, in June 2005, the Honorary Secretary General of the YAI had reported cases of misappropriation of Government funds by some serving / retired armed forces personnel. A xerox copy of report of the Honorary Secretary General of the YAI dated 03/06/2005 is annexed herewith and marked as **Annexure "A"** to this Petition.

The Petitioner states that, It was brought to the notice of the President YAI, that a few yachtspersons who had participated in overseas events, during 2004 - 2005, had allegedly submitted false bills and supporting documents and thus claimed excess funds from the Ministry of Youth Affairs & Sports, Government of India, through the YAI.

4.2. The Petitioner states that, accordingly, the Indian Navy conducted an enquiry to ascertain the facts and determine the total amount misappropriated, so that

necessary action could be initiated to punish the guilty and the excess money claimed by submission of false bills by them could be refunded to the Ministry of Youth Affairs & Sports, Government of India. The Petitioner further states that, It was established that some of the yacht persons had indeed falsified bills, receipts and other supporting documents and claimed excess funds. A copy of the report dated 28/11/2005 submitted by Captain Rajesh Sarin to the Honorary Secretary General is annexed herewith and marked as **Annexure "B"** to this Petition.

The Petitioner states that, it can be noted that while the investigation / inquiry were conducted most of those who had submitted false accounts were serving with either the Indian Navy / Indian Army and once it was established that they were guilty of misappropriation of Government funds, no action was initiated to punish the guilty and for unknown reasons token sums were

recovered and deposited with the Ministry of Youth Affairs and Sports, Government of India in late 2011. A copy of the YAI letter dated 22/11/2011 is annexed herewith and marked as **Annexure "C"** to this Petition.

4.3. The Petitioner further states that, those found guilty of embezzlement were quietly let off and Captain Homi Motivala, Captain Arvind Raghuwanshi and Lt Col Gautama Dutta resigned from the armed forces, without any action being taken against them. The Petitioner states that, it is pertinent to mention that when the enquiry was being conducted by Captain Rajesh Sarin, the then President of the YAI and Chief of the Naval Staff had appointed Captain Monty Khanna as the Secretary General of the YAI. It was during his tenure that the necessary actions on the guilty had to be initiated, however, he manipulated the system in such a manner that all those found guilty were permitted to get away. The same officer, who is now promoted to the

rank of Rear Admiral, has once again been appointed as the Secretary General. This is in utter disrespect of the high standards of morality that should be exercised by the Indian Armed Forces and action needs to be forthwith taken on the guilty and the YAI Secretary.

4.4 The Petitioner further states that, some of the yachtspersons are operating bank accounts in foreign countries. It is pertinent to mention that no individual is permitted to open a bank account outside India without the approval of the Reserve Bank of India, however, despite knowing the rules no action was ever initiated against such officers by the administrators of the YAI. Several of the active defense personnel and participating in government funded sports events have been fraudulently claiming pension from the ministry of sports and youth affairs since 1998 despite being actively participating and claiming sports prize. The

Petitioner states that, YAI had recommended Captain Homi Motivala for the cash award, for coaching sailors, who had won a Gold Medal at the World Championship. This bogus claim of coaching was refuted by some members of the YAI and when it was established that the claim had been irregularly made, Captain Motivala, was asked to donate Rs. 7.50 lakhs to the YAI and no further action was ever taken. In addition, Captain Motivala was recommended for award of the Dronacharya Award which was conferred by the Government of India in 2003. The Petitioner states that, it is pertinent to mention that when it was found that he was not eligible for the cash award or conferment of National honor, why no action was ever taken to revoke these awards and even today these officers get their monthly pension for cheating. A xerox copy an email dated 03/05/2004 from Commodore S. K. Mongia to Admiral Madhvendra Singh describing

aforesaid illegal activities is annexed herewith and marked as **Annexure "D"** to this Petition.

4.5 The Petitioner states that, Property of the Indian Navy is being commercially utilized by a Private Limited Company which has been registered with the address of Indian Naval Waterman Ship Training Centre, Colaba, Mumbai. Commander R Mahesh, a serving Naval Officer, is one of the Board of Directors of this Private Limited Company. This is against all rules of the Armed Forces. How can pvt ltd company operate from defence property? A copy of the incorporation certificate and PAN CARD of the said company is annexed herewith and marked as **Annexure "E"** to this Petition.

The Petitioner states that, there was a time when the citizens of India, our great country used to look at the officers of the armed forces with great respect due to



their dedication to this country and for their willingness to sacrifice their lives to protect the country. However the incidents highlighted above, have tarnished the image of the armed forces. The xerox copies of the news paper reports regarding the scam committed by the Respondents Nos. 5 to 7 are annexed herewith and marked **Annexure "F"** to this petition.

4.6. The Petitioner states that, Lt Col Gautam Dutta has been found guilty of several financial irregularities in the Army Court of Inquiry but his father Maj Gen S Dutta threatened and pressurized the enquiry officer. Lt Col Gautam Dutta quietly resigned from the Army to escape punishment and set up Marine Solutions Pvt Ltd to import luxury yachts for the rich and famous. The Petitioner states that at the behest of Respondents Nos. 18 to 19, 120 feet luxury yacht TIAN was imported by marine solutions by

fraud to cheat the customs of import levies. The xerox Copy of the notice u/s. 124 of the Customs Act issued by the Commissioner of Customs (Imports) in this matter is annexed herewith and marked as Annexure "G" to this Petition.

TIAN was impounded by the Customs and it was given provisional release restricting the movement of the TIAN yacht. TIAN commander captain Homi Motivala who also resigned from the Navy because of an enquiry into financial irregularities and got Dronacharya award on bogus claims has been filing false TIAN YACHT MOVEMENT REPORTS with the Customs. TIAN is not supposed to leave Mumbai harbour without customs approval but the Goa Port Master and Harbor Master reports show that TIAN has been in Goa Panaji port regularly. Commander Homi Motivala has submitted passenger and cargo manifest

of TIAN yacht with Goa Port Authority at the same time the Customs Fortnightly Movement reports shows TIAN is in Mumbai harbor. The Petitioner states that, TIAN is a Pleasure Yacht from Ferretti, Italy and cannot be used for any other purpose except for passenger transport but the Cargo manifest submitted with the Panaji Port reveals Iron Ore cargo on TIAN. After inflatable dinghy-borne terrorists laid siege to Mumbai in the country's worst terror attack four years ago, security agencies and politicians both at the Centre and State had spoken of improving coastal security. Four years later little seems to have changed. The xerox copies of Detention Memo, Port Clearances, Vessel Profile, Provisional Release Letter are annexed herewith and marked as **Annexure "H Coll."** to this Petition.

4.7 The Petitioner states that, Marine Solutions also operates an illegal party barge ISOLA at the restricted Mora coast, Uran. ISOLA was originally constructed as a dumb service pontoon meant for transportation of waste and scraps from ship to shore and was registered as DUMB SERVICE PONTOON PIT STOP at KALYAN in 2009 but has been operating as a luxury floating hotel ISOLA from 2010 onwards by Lt Col Gautam Dutta and his father Maj Gen S Dutta without permission or approvals from Mumbai Port Trust, Mercantile Marine Department of the Shipping Ministry, Coast Guard, Navy and the local authorities like the Maharashtra Maritime Board. ISOLA is frequented by top business corporates and bureaucrats with music and free flowing liquor on the high seas posing grave security threat and risk to the shipping traffic and underground power and data cables linking the commercial capital Mumbai to the financial world

centers viz. Hong Kong, Singapore, London and New York. All relevant documents are annexed herewith and marked as **Annexure "I"** to this Petition.

**5. Source of Information:**

The Petitioner undertakes that he shall disclose the Source of his Information leading to the filing of this Public Interest Litigation, if, and when called upon by the Court to do so.

**6. Nature and extent of injury caused/ apprehended:**

The Petitioner states that if the prayers as prayed in the Petition are granted same would be beneficial to public at large of the nation and no injury is likely to be cause to any member of the public or authority.

**7. Any representation etc. made:**

Petitioner has not made any representation in respect of present matter with the Respondents.

**8. Delay, if any, in filing the Petition and explanation therefor:**

Petitioner states that there is no delay in filing the present Petition.

**9. Documents relied upon :**

9.1 Petitioner states that, documents annexed with the present Petition are mentioned in para 4, Exhibits A to G annexed herewith.

9.2 The Petitioner craves leave to add, alter, amend, substitute and/or delete any of the grounds, if required.

9.3 The Petitioner has not filed any other Petition on the subject matter of this Petition either before this Hon'ble Court or before the Supreme Court of India.

9.4 The Petitioner is the resident of Mumbai. This Hon'ble Court has, therefore, jurisdiction to try and entertain this petition.

9.5 The Petitioner has no other alternative or efficacious remedy and the reliefs if granted by this Hon'ble Court under this petition complete relief will prove complete relief to the people of the country. The Petitioner is therefore entitled to invoke the jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India.

9.6 The Petitioner pays a fixed Court fee of Rs.250/- on this Writ Petition.

**10. Relief (s) prayed for :**

- (a) That the Rule be issued in the Petition and the Petition be kindly admitted and allowed;
- (b) This Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction directing the Respondents under Article 226 of the Constitution of India to forthwith to initiate strict action against those found guilty of corruption and embezzlement of Government of India funds.
- (c) This Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction directing the Respondents under Article 226 of the Constitution of India to forthwith to initiate strict action against those found guilty in allowing unchecked, unimpeded, unhindered, unrestricted movements of boats and yachts around the city of Mumbai.



**11. Interim Order, if prayed for:**

(A) Pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction directing the Respondents under Article 226 of the Constitution of India to forthwith to initiate strict action against those found guilty of corruption and embezzlement of Government of India funds and against those found guilty in allowing unchecked, unimpeded, unhindered, unrestricted movements of boats and yachts around the city of Mumbai.

(B) For ad-interim and interim reliefs in terms of prayer  
above;

(C) For costs of this Petition;

(D) For such other and further reliefs orders or directions as this Hon'ble Court may deem fit and proper and as in the nature and circumstances of the case may require;

**12. Caveat :**

That no notice has been received of lodging a Caveat by the opposite party.

Mumbai, dated this                      day of July, 2012.

PETITIONER IN PERSON,

VERIFICATION

I, ANAND SUDAMARAO JONDHALE, Aged: 40 years, the Petitioner abovenamed, do hereby solemnly affirm and say that what is stated in paragraphs ... to ... of the foregoing Petition is true to the best of my knowledge and belief and that what is stated in paragraphs ... to ... is based on information and belief, which I believe to be true.

Solemnly declared at Mumbai )  
aforesaid this            day of )  
July, 2012. )

The Petitioner in person.

Identified by me;

IN THE HIGH COURT OF JUDICATURE AT  
BOMBAY

CIVIL APPELLATE JURISDICTION

RULE 4(e) OF THE B.H.P.I.L. RULE 2010)

PUBLIC INTEREST LITIGATION NO. OF  
2011

Anand S. Jondhale ... Petitioner

Vs.

Union of India & Ors. ... Respondents

:: I N D E X ::

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Sr.No.Particulars and Dates

Page No.  
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1. Synopsis.

2. PIL/Petition.

3. Exhibit "A": A xerox Copy of the Report of the  
Honorary Secretary General of YAI  
dated 03.06.2005

4. Exhibit "B": A xerox Copy of the Report dated  
28/11/2005 submitted by Captain

Rajesh Sarin to the Hon.Sec.General

5. Exhibit "C": A xerox Copy of the YAI letter dated 22.11.2011
  
6. Exhibit "D": A xerox Copy of an email dated 03/05/2004 from Commodore S. K. Mongia to Admiral Madhvendra Singh describing aforesaid illegal activities
  
7. Exhibit "E": A xerox Copy of the Incorporation Certificate and PAN CARD of the said company
  
8. Exhibit "F": A xerox Copy of the news paper reports regarding the scam committed by the Respondents Nos. 5 to 7
  
9. Exhibit "G": A xerox Copy of the notice u/s. 124 of the Customs Act issued by the Commissioner of Customs (Imports) in this matter
  
10. Exhibit "H" collectively: The xerox copies of Detention Memo, Port Clearances, Vessel Profile, Provisional Release Letter.
  
11. Exhibit "I" collectively : the xerox copies of all relevant documents regarding illegal activities of boats / yachts of Respondents

around city of Mumbai.

Date: \_\_\_\_\_

Place: Mumbai

Petitioner in Person.

IN THE HIGH COURT OF JUDICATURE AT  
BOMBAY

CIVIL APPELLATE JURISDICTION

RULE 4(e) OF THE B.H.P.I.L. RULE 2010)

PUBLIC INTEREST LITIGATION NO. OF

2011

Anand S. Jondhale ... Petitioner

Vs.

Union of India & Ors. ... Respondents

:: SYNOPSIS ::

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DATES

EVENTS  
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Year 2003:

Captain Motivala was recommended for award of the Dronacharya Award which was conferred by the Government of India.

03/05/2004:

Commodore S. K. Mongia writes to Admiral Madhvendra Singh describing the illegal activities of the Respondents Nos. 5 to 7.

June 2005:

The Honorary Secretary General of the YAI had reported cases of misappropriation of Government funds by some serving / retired armed forces personnel. It was established that some of the yacht persons had indeed falsified bills, receipts and other supporting documents and claimed excess funds.



YAI had recommended Captain Homi Motivala for the cash/Dronacharya award, for coaching sailors, who had won a Gold Medal at the World Championship. This bogus claim of coaching was refuted by some members of the YAI and when it was established that the claim had been irregularly made, Captain Motivala, was asked to donate Rs. 7.50 lakhs to the YAI.

2009-10:

Property of the Indian Navy is being commercially utilized by a Private Limited Company which has been registered by the Respondents Nos. 5 to 7 with the address of Indian Naval Waterman Ship Training Centre, Colaba, Mumbai. Commander R Mahesh, a serving Naval Officer, is one of the Board of Directors of this Private Limited Company. This is against all rules of the Armed

Forces. How can pvt ltd company operate from  
defence property?

22/11/2011:

While the investigation / inquiry were conducted most of those who had submitted false accounts were serving with either the Indian Navy / Indian Army and once it was established that they were guilty of misappropriation of Government funds, no action was initiated to punish the guilty and for unknown reasons token sums were recovered and deposited with the Ministry of Youth Affairs and Sports.

Year 2011 :

Lt Col Gautam Dutta (R.No.7) quietly resigned from the Army to escape punishment and set up Marine Solutions Pvt Ltd to import luxury yachts for the rich and famous. At the behest of Respondents Nos. 18 to 19, 120 feet luxury yacht TIAN was imported

by Marine solutions by fraud to cheat the customs of import levies. A notice u/s. 124 of the Customs Act was issued by the Commissioner of Customs (Imports) in this matter.

TIAN was impounded by the Customs and it was given provisional release restricting the movement of the TIAN yacht. TIAN commander captain Homi Motivala who also resigned from the Navy because of an enquiry into financial irregularities and got Dronacharya award on bogus claims has been filing false TIAN YACHT MOVEMENT REPORTS with the Customs. TIAN is not supposed to leave Mumbai harbour without customs approval but the Goa Port Master and Harbor Master reports show that TIAN has been in Goa Panaji port regularly. Commander Homi Motivala has submitted passenger and cargo manifest of TIAN yacht with Goa Port Authority at the same time the Customs Fortnightly Movement reports shows

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Maj Gen S Dutta without permission or approvals from Mumbai Port Trust, Mercantile Marine Department of the Shipping Ministry, Coast Guard, Navy and the local authorities like the Maharashtra Maritime Board. ISOLA is frequented by top business corporate and bureaucrats with music and free flowing liquor on the high seas posing grave security threat and risk to the shipping traffic and underground power and data cables linking the commercial capital Mumbai to the financial world centers viz. Hong Kong, Singapore, London and New York.

....th July 2012: Hence this P.I.L. is filed.

Date:

Place:

Petitioner

In

Person