

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.

Book No. **1251**

क्रम सं.

19

Serial No.

1. जिला : थाना : वर्ष : प्र.सू.प्र.क्र. दिनांक :
District PS: Year FIR No. Date
Lucknow CBI, ACB, Lucknow 2019 RC0062019A0015 04.11.2019
2. (1) विधान : **IPC 1860** धाराएं : **120-B, 420, 468, 471, 477-A**
Act Sections
- (2) विधान : **PC Act 1988** धाराएं : **13(2) R/w 13(1)(d) of PC Act 1988**
Act Sections
- (3) विधान : धाराएं :
Act Sections
- (4) अन्य विधान एवं धाराएं : **Criminal Conspiracy, Cheating, Forgery for the purpose of Cheating, Using forged documents as genuine, falsification of accounts and Criminal misconduct.**
Other Acts & Sections
3. (क) प्रतीत अपराध :
(a) Suspected Offence
- (ख) दिन : दिनांक समय
(b) Day Date Time
- (ग) थाने पर सूचना प्राप्त होने का दिनांक
(c) Information received at PS Date
02.11.19
- कायमी अपराध : दिनांक समय
Entry No. Date Time
07 04.11.2019 11:00 hrs
4. सूचना का प्रकार : लिखित/मौखिक
Type of Information Written/Oral
Written
5. घटना का स्थान
Place of Occurrence **Kanpur**
- (क) थाने से दिशा व दूरी :
(a) Direction & Distance from PS **100 Km., West (Approx)**

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

(क) नाम
(a) Name

Shri Satyendra Kumar Singh

(ख) पिता / पति का नाम

(b) Father's / Husband's Name

Sh. Hare Ram Singh

(ग) जन्म तिथि
(c) Date of Birth

(घ) राष्ट्रियता :

Indian

(d) Nationality

(ङ) पासपोर्ट नं.
(e) Passport No

जारी दिनांक
Date of Issue

जारी होने का स्थान
Place of Issue

(च) व्यवसाय
(f) Profession

**Dy. General Manager, Union Bank of India, Regional
Office, Kanpur**

(छ) पता -
(g) Address

Flat No. 503, Sidh Apartment, Vishnupuri, Kanpur (UP).

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) **(Separate Sheet attached as Annexure - 'A').**

(2)

(3)

ANNEXURE-A

1. M/s Frost Infrastructure and Energy Limited having its registered office at 402, kalpana Plaza, 24/147-B, Birhana Road, Kanpur.
2. Shri Uday Jayant Desai S/o Jayant M Desai, Director of M/s Frost Infrastructure and Energy Limited R/o 279, Second Floor, Panchsheel Park, Malviya Nagar, South Delhi – 110017 and 3/90 Azad Nagar, Kanpur
3. Shri Sunil Verma S/o Lal Chand Verma, Director of M/s Frost Infrastructure and Energy Limited R/o 3A/217 Azad Nagar, Kanpur Nagar U.P. 208022.
4. Mr. Anoop Kumar Wadhera S/o Sri Baldev Raj Wadhera, Director of M/s Frost Infrastructure and Energy Limited R/o – 9/1, Sarwpriya Vihar, Hauz Khas S.O., South West Delhi 110016.
5. Smt. Rita Patel W/o – Sri Manoj Kumar Patel, Director of M/s Frost Infrastructure and Energy Limited, R/o – Flat No. 703, Amalts, Shipra Shrishti, Indrapuram, Ghaziabad, U.P. – 201014.
6. Mrs. Shivani Verma W/o Sri Aman Verma, Director of M/s Frost Infrastructure and Energy Limited R/o – 2A/378, Nawabganj, Thana Nawabganj, Kanpur Nagar, U.P. – 208002.
7. Unknown Public Servants

8. अभियोगी / सूचनाकर्ता द्वारा सूचना दिए जाने में विलंब का कारण :
Reasons for delay in reporting by the complainant / informant
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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)
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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
--
12. प्रथम सूचना विवरण :- (यदि आवश्यक हो तो अलग से पन्ना संलग्न करें)
First Information contents (Attach separate sheet, if required)

A complaint dated 01.11.2019 has been received from Shri Satyendra Kumar Singh S/o Shri Hare Ram Singh, presently working as Dy. General Manager, Union Bank of India, Regional Office, Kanpur regarding the alleged offence of criminal conspiracy, cheating, forgery for the purpose of cheating, using forged documents as genuine, falsification of records and criminal misconduct by director of M/s Frost Infrastructure and Energy Limited having its registered office at 402, Kalpana Plaza, 24/147-B, Birhana Road, Kanpur, UP in conspiracy amongst themselves and with unknown public servants, whereby Union Bank of India cheated to the tune of Rs. 68,00,23,684/-. The contents of the complaint are reproduced below :-

(Separate Sheet attached as Annexure - 'B').

Dated : 01.11.2019

To,

S.P & Head of Branch
Central Bureau of Investigation (CBI)
Anti-corruption Branch, Lucknow
7, Nawal Kishore Road, Hazratganj
Lucknow-226001, UP

Dear Sir

Sub: Complaint In the matter of Frost Infrastructure & Energy Limited account with Specialized Mid Corporate Branch Kanpur, District Kanpur, U.P.

I Satyendra Kumar Singh S/o Sri Hare Ram Singh, aged about 55 years, presently working as Regional Head, at Union bank of India Regional office, Kanpur, District Kanpur U.P., of Union Bank of India, a body corporate constituted under the Banking companies (Acquisition and Transfer of Undertakings) Act 1970 having its Head Office at 239, Vidhan Bhawan Marg, Nariman Point, Mumbai 400021, and having a branch 'Specialized Mid Corporate Kanpur branch' 15/200, Ballabh Arcade Building, Civil Lines, District Kanpur, Uttar Pradesh under its Regional Office 117/H-1/240, Pandunagar, Kanpur, U.P., duly authorized by the Chief Vigilance officer of the bank to file the complaint furnishing the incident of fraud perpetrated at our said Specialized Mid Corporate Branch, Kanpur, U.P. as delineated here below: -

Frost Infrastructure & Energy Limited is a company (CIN No. U11100UP2009PLC038320), Registration No. 38320, incorporated under Company's Law, having its registered office at 402, Kalpana Plaza, 24/147-B Birhana Road, Kanpur, UP (India)-208001. its Directors are 1.-Mr. Uday Jayant Desai S/o Jayant M Desai R/o 279, Second Floor, Panchsheel Park, Malviya Nagar, South Delhi – 110017, 2.-Mr. Sunil Verma S/o Lal Chand Verma R/o 3A/217 Azad Nagar, Kanpur Nagar U.P. 208022, 3.-Mr. Anoop Kumar Wadhwa S/o Sri Baldev Raj Wadhwa R/o – 9/1, Sarwpriya Vihar, Hauz Khas S.O., South West Delhi 110016, 4.-Smt. Rita Patel W/o – Sri Manoj Kumar Patel R/o – Flat No. 703, Amalts, Shipra Shrishti, Indrapuram, Ghaziabad, U.P. – 201014, 5.-Mrs. Shivani Verma W/o Sri Aman Verma R/o – 2A/378, Nawabganj, Thana Nawabganj, Kanpur Nagar, U.P. – 208002. The PAN of the perpetrator Company is AABCF4238M.

The other details of the Directors of the Company are as under –

Sr. No.	Name of Director.	Type of Director.	DIN No.	Directors PAN	Passport Number
1	Mr. Uday Jayant Desai	Director	00039009	ADZPD0907B	J5285959
2	Mr. Sunil Verma	Director	00038861	ABUPV8567G	J6203637
3	Mr. Anoop Kumar Wadhwa	Director	00335211	AABPW8226F	J5285958
4	Smt. Rita Patel	Director	07950735	Not Available	-----
5	Mrs. Shivani Verma	Director	07951223	Not Available	-----

Frost Infrastructure & Energy Limited was incorporated on 25.09.2009. The Company was engaged in trading of multiple commodities in merchandise trade. The Company has availed credit facilities under multiple banking arrangements.

Forensic Audit Report reveals the details of the finance facilities granted by other banks, as under –

Sr.	Bank	Position as on 31.03.18 (In Crores)			
		Fund based Limit	Outstanding	Non Fund Based Limit	Outstanding
1	United Bank of India	5.00	----	370.00	228.40
2	Indian Overseas Bank	----	----	860.00	739.33
3	Oriental Bank of Commerce	----	----	325.00	208.60

The bank of India, Allahabad Bank and UCO Bank had also financed to the Company but no outstanding shown.

Initially on the request of the Company, on 05.08.2013 Frost Infrastructure and Energy Limited was sanctioned credit facility of Rs. 180.00 Crores (Fund based Packing Credit of Rs. 5.00 Crore, Non fund based Import/Inland LC of Rs. 75.00 Crore on 100% margin and Import/Inland LC of Rs. 100.00 Crore on 25% margin) for merchandise trade. On the request of the Company on 28.12.2015 the credit facility was enhanced to Rs. 375.00 Crores (Fund based Packing Credit of Rs. 5.00 Crore, Non fund based Import/Inland LC of Rs. 270.00 Crore on 100% margin and Import/Inland LC of Rs. 100.00 Crore on 35% margin) for merchandise trade.

The brief details of all the three devolved LCs are here as under –

Particular	1	2	3
LC Number	30250NI00000418	30250NI00000818	30250NI00000918
Date of Opening	11.01.2018	07.02.2018	07.02.2018
Name of Beneficiary	Fareast Distribution and Logistics PTE Ltd	Fareast Distribution, and Logistics PTE Ltd	Fareast Distribution and Logistics PTE Ltd
Beneficiary Country	Singapore	Singapore	Singapore
Nature of Goods	Computer Products	Computer Products	Computer Products
Import LC Amount (USD)	7086050	5898547	3340200
INR Amount	Rs. 453861502.50	Rs. 381341063.55	Rs. 215943930.00
Account Number	686807120000007	686807120000008	686807120000009

The credit facilities given to the Frost Infrastructure & Energy Limited are duly guaranteed by above Mr. Uday Jayant Desai, Mr. Sunil Verma and Mr. Anoop Kumar Wadhwa by executing guarantee documents for Rs. 375.00 Crores (Fund based Packing Credit of Rs. 5.00 Crore, Non fund based Import/Inland LC of Rs. 270.00 Crore and Import/Inland LC of Rs. 100.00 Crore) for merchandise trade.

In consideration of the aforesaid loan / credit facilities for a sum aggregating to Rs. 375.00 Crore granted by the bank to the Frost Infrastructure & Energy Limited, the Company M/s Frost Infrastructure & Energy Limited has mortgaged the following properties by way of depositing original title deeds –

Sr	Property	Present Value/Valuers
1	EM of property no 1101, 11 th floor Wing-E, 246 Sq Mtrs and three car parkings at Lotus Corporate Park, Goregaon East	Present Value of the properties assessed by valuers –

	Mumbai (Maharashtra- India) in the name of the Company M/s Frost Infrastructure and Energy Limited.	1.-Mahesh Shetty Consultants & Valuers LLP. Add.- Charch Pakhari, Lane No.- 2,Andhery, Mumbai.Value assessed Rs.14.60 (Report Dt. 09.03.19).
2	EM of property no 1102, 11 th floor Wing-E, 246 Sq Mtrs and three car parkings at Lotus Corporate Park, Goregaon East Mumbai (Maharashtra- India) in the name of the Company M/s Frost Infrastructure and Energy Limited.	2.-Diwanji & Associates – 302, Third Floor, Central building, Shell colony road, Chembur East, Mumbai. Value Rs. 14.78 Crore (Report Dt. 26.02.19).
3	EM of property no 502 on 5 th floor of Wing-F at Lotus Corporate Park, Graham Firth Compound, WE Highway, Goregaon East Mumbai (Maharashtra- India) in the name of the Company M/s Frost Infrastructure and Energy Limited.	1.-Mahesh Shetty Consultants & Valuers LLP., above. Value Rs. 7.71 Crore (Report Dt. 16.11.18). 2.-Diwanji & Associates, above. Value Rs. 7.43 Crore (Report Dt. 26.02.19).

No any other security is available in the account. The Import / Inland LCs granted by the bank devolved and payments were made by the bank as per the following schedule –

Sr.	Devolved Account & Amount	Date of Devolvement
1	686807120000007 – Rs.487909973/-	10.07.2018
2	686807120000008 – Rs.405994058/-	03.08.2018
3	686807120000009 – Rs.229759653/-	06.08.2018
	Total Rs.1123663684/-	
(From the total dues above, Rs. 443640000/- has been adjusted by Margin available in the account No. 686807120000007 after devolvement). Thus the total amount is Rs. 68,00,23,684/- (Sixty Eight Crore Twenty Three Thousand Six Hundred Eighty Four) together with future interest thereon.		

Since Frost Infrastructure and Energy Limited did not adjust the devolved LC and committed default the loan accounts became bad, sticky and irregular which finally classified as NPA on 09.10.2018.

An anonymous complaint was received wherein certain allegations were made against the company and promoters. Subsequently in the JLF meeting dated 03/04/2018, Bank of India was nominated to appoint forensic audit in the account. On 18/04/2018, one of lender Bank, Bank of India appointed Hari Bhakti and Co. LLP to conduct Forensic Audit in the account. Gist of the Forensic Audit report dated 28/01/2019 shared by Bank of India on 15/03/2019 reveals Potential diversion of funds by providing loans to non business related parties. No actual export against merchant trade transactions. Mismatch in ship movement data when compared with loading and discharge port details as per bill of lading. Merchanting trade transactions between related parties / potentially related parties have been observed.

The Modus operandi of the fraud as detailed in the Forensic Report revealed as follows:-

- Unsecured Loans and advances amounting to INR 5999.15 Crores were given to 44 parties out of which 305.15 Crores pertaining to 22 parties is outstanding as on 31.03.2018.
- The Company does not have/had any business relationship with majority of the parties.
- Loans and advances were given to such parties without entering into any agreement hence there is no clarity on aspect such as tenure, interest rates, indemnity, Purpose etc.
- Source of fund for loan given is receipts from customers, loans taken from banks & Cash Credit facility.
- Out total loan outstanding given of Rs. 305.15 Crores, loans given to potential related / connected parties amount to Rs. 221.92 Crores. No supporting documentations for movement of goods were found. Frequent borrowing and lending among Frost Infrastructure and Energy Limited, Mohan Steels Limited and Rotomac Group was done without any business transactions.

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

Registered the case and took up for investigation.

- (2) निर्देशित (जांच अधिकारी का नाम) रैंक नं. जांच हेतु लिया गया
Directed (Name of IO) Rank No. Took up for investigation **Yes**

Shri Ankur Tripathi, Inspector, CBI, ACB, Lucknow.

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

- (4) पुलिस थाना को स्थानांतरित किया गया जिला क्षेत्राधिकार के आधार पर
Transferred to PS District on point of jurisdiction

अभियोगी / सूचनाकर्ता को प्र.सू. पत्र पढ़ाकर / पढ़कर सुनाया गया, जिन्होंने सही-सही अभिलिखित होना स्वीकार किया। इसकी एक प्रति अभियोगी / सूचनाकर्ता को नि:शुल्क 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.

A copy of the FIR is being sent to the complainant free of cost.

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

(DEVENDRA SINGH)
No.
Supdt. of Police
CBI, ACB, LUCKNOW

15. न्यायालय को भेजने का दिनांक एवं समय
Date and time of despatch to the court

(DEVENDRA SINGH)
Supdt. of Police

(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)	जखम 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.