

FIRST INFORMATION REPORT

முதல் தகவல் அறிக்கை
(Under Section 154 Cr.P.C.)
(கு.ந.வி.தொ.பிரிவு 154 இன் கீழ்)

TAMIL NADU POLICE
INTEGRATED INVESTIGATION FORM-I

C 8069071
2/A/2023/உ-ந
FIR No.: 20.03.2023
Date: 20.03.2023
முத.அ. எண் நாள்

1. District : DVAC, Chennai PS: Chennai city III Year: 2023 FIR No.: 20.03.2023 Date: 20.03.2023
மாவட்டம் காவல்நிலையம் ஆண்டு முத.அ. எண் நாள்
2. (i) Act சட்டம்: Indian penal code Sections பிரிவுகள்: 120 B IPC
(ii) Act சட்டம்: The prevention of Corruption Act 1988 Sections பிரிவுகள்: 7,12,13(2) & 13(1)
(iii) Act சட்டம்: Sections பிரிவுகள்:
(iv) Other Acts & Sections பிற சட்டங்களும், பிரிவுகளும் :

3. (a) Occurrence of Offence Day : Date from : 2011 to 2016
குற்ற நிகழ்வு நாள் நாள் முதல் நாள் வரை
Time Period : Time from :
நேர அளவு நேரம் முதல் நேரம் வரை
(b) Information Received at PS. Date : 13.03.2023 Time : 18.00 hrs
காவல் நிலையத்திற்கு தகவல் கிடைத்த நாள் நேரம்
(c) General Diary Reference : Entry No(s) 20.03.2023 Time : 11.00 hrs
பொது நாட்குறிப்பில் பதிவு விவரம் எண் நேரம்

4. Type of Information : Written/ Oral : Written
தகவலின் வகை : எழுத்து மூலம் / வாய் மொழியாக

5. Place of Occurrence (a) Direction and Distance from PS: EMDA, Egmore
குற்ற நிகழ்விடம் (அ) காவல்நிலையத்திலிருந்து எவ்வளவு தூரமும், எத்திசையும் North East 15 km
Beat Number : (b) Address :
முறைக் காவல் எண் முகவரி

(c) In case outside limit of this Police Station, then the Name of P.S : District :
இக்காவல் நிலைய எல்லைக்கப்பால் நடந்து இருக்குமாயின், அந்நிலையில் அந்த கா.நி.பெயர் மாவட்டம்

6. Complainant / Informant (a) Name : M. E. Ramachandran Moothy (b) Father's/ Husband's Name : Tr. Elango
குற்றமுறையிட்டாளர்/ தகவல் தந்தவர் பெயர் தந்தை / கணவர் பெயர்
(c) Date / Year of Birth : 1972 (d) Nationality : INDIAN (e) Passport No. :
நாள் / பிறந்த ஆண்டு நாட்டினம் வெளிநாட்டு கடவுச்சீட்டு எண்
Date of Issue : Place of Issue :
வழங்கப்பட்ட நாள் வழங்கப்பட்ட இடம்
(f) Occupation : DSP (g) Address : Vigilance and Anti Corruption
தொழில் முகவரி Vellore Detachment, Vellore

7. Details of Known/Suspected/Unknown accused with full particulars. (Attach separate sheet if necessary)
தெரிந்த / ஐயப்பாட்டிற்குரிய / தெரியாத குற்றஞ்சாட்டப்பட்டவரின் முழுமையான விவரங்கள்
(தேவையெனில் தனித்தான் இணைக்கவும்)

As per enclosed Separate sheet in Annexure

8. Reasons for delay in reporting by the complainant / Informant:

குற்றமுறையிட்டாளரால் / தகவல் கொடுப்பவரால் முறையிட்டதில் தகவல் கொடுப்பதில் தாமதம்

conducting of Detailed Enquiry vide no
DE 22/2021/EMDA/உ-ந

9. Particulars of properties stolen / involved (Attach separate sheet if necessary)
கனவாடப்பட்ட / களவிற்குள்ளான சொத்துக்களின் விவரம் (தேவையெனில் தனித் தாளில் இணைக்கவும்)
10. Total value of properties stolen / involved :
கனவாடப்பட்ட / களவிற்குள்ளான சொத்துக்களின் மொத்த மதிப்பு
11. Inquest Report / Un-natural death Case No. if any:
பிண விசாரணை அறிக்கை / இயற்கைக்கு மாறான இறப்பு எண் ஏதேனும் இருந்தால்
12. FIR Contents (Attach separate sheet, if required) :
முதல் தகவல் அறிக்கையின் கருக்கம். (தேவையெனில் தனித்தாளில் இணைக்கவும்)

As per separate sheet in Annexure - B

13. Action taken : Since the above report reveals commission of offence(s) u/s as mentioned at item No.2 registered the case and took up the investigation / directed Immanuel Gnanasekaran, DC Rank DCP to take up the Investigation / Refused Investigation / transferred to PS V.R.O., CSU - I, Chennai point of jurisdiction.

எடுக்கப்பட்ட நடவடிக்கை : மேலே குற்ற முறையிட்ட உள்வை பிரிவு 2ல் கூறப்பட்ட சட்ட பிரிவுப்படியான குற்றமாக வழக்கு பதிவு செய்து புலனாய்வுக்கு எடுத்துக்கொள்ளப்பட்டது / பணிக்கப்படுதல் பதவி நிலை பணியாளரின் புலனாய்வுக்கு எடுத்துக்கொள்ள பணிக்கப்பட்டது / மறுக்கப்பட்டு எல்லையைக் கருதி புலனாய்வுக்கு காவல் நிலையத்திற்கு மாற்றப்படுகிறது.

FIR read over to the Complainant / Informant, admitted to be correctly recorded and a copy given to the Complainant / Informant free of cost.

மு.த.அ. குற்றமுறையிட்டாளருக்கு / தகவல் தந்தவருக்கு படித்துக்காட்டி, அது சரியாக எழுதப்பட்டு இருப்பதாக ஏற்றுக் கொள்ளப்பட்டு, அதன் படி நகல் ஒன்று இலவசமாக கொடுக்கப்பட்டது.

14. Signature / Thumb Impression of the Complainant / Informant
குற்றமுறையிட்டாளர் / தகவல் கொடுப்பவரின் ஒப்பம் / பெருவிரல் இரேகைப் பதிவு

Signature of the Officer in-charge, Police Station
காவல் நிலைய பொறுப்பு அலுவலரின் ஒப்பம்

15. Date & Time of despatch to the court:
நீதிமன்றத்திற்கு அனுப்பப்பட்ட நாளும், நேரமும்

Name: பெயர் V. THAMIZH MANI
Rank: நிலை DCP No. எண்
Deputy Superintendent of Police
Vigilance and Anti-Corruption
Chennai City-III
Alandur, Chennai-600 016

ANNEXURE-A

Accused:

A1: Unknown Official(s) of CMDA
and Housing and Urban
Development Department.

A2: Mr. R. Srimanikandan,
Formerly, Vice President(Administration)& Real Estate Officer, Cognizant India,
Chennai.

A3: Mr. T. Sridhar Thiruvengadam,
Formerly, Chief Operating Officer, Cognizant India, Chennai.

A4: M/s. Cognizant Technology solutions Pvt. Ltd., India

A5: Mr. V. Ramesh,
Formerly Construction Division Head, M/s. L&T, Chennai,

A6: Mr. K. Kannan,
Formerly Business Unit Head of L&T, Chennai.
Resigned in 2018.

A7: Mr. M. V. Sathish,
Formerly Executive Vice President and Head Building and Factories, L&T
Chennai.
Presently, Member of the Board & Senior Executive Vice- President, L&T.

A8: Mr. S. N. Subramanian,
Formerly, Construction Head,
L&T, Chennai
Presently, Head of Larson & Toubro, India.

A9: M/s. Larsen & Toubro Ltd.
India and others.



V. Thangaraj
20/1/23
Deputy Superintendent of Police
Vigilance and Anti-Corruption
Chennai City-III
Alandur, Chennai-600 016

Chennai V&AC, Chennai City-III Cr.No.2/AC/2023/CC-III FIR continuation
(Column -12):-

Today on 20.03.2023 at 11.00hrs, as per the DVAC Memorandum in DE 22/2021/CMDA/HQ dated 13.03.2023, I am registering a case in Chennai V&AC, Chennai City-III, Cr.No.2/AC/2023/CC-III, u/s. 120B IPC and 7,12,13(2) r/w13(1)(d) of the Prevention of Corruption Act, 1988 against Unknown Officials of Chennai Metropolitan Development Authority(CMDA) and Housing and Urban Development department and 8 others.

Prior approval was accorded to register a Regular case by the Principal Secretary to Government, Housing and Urban Development Department, Secretariat, Chennai-9 in Letter No.14837/UD3(2)/2022-1, dated 09.09.2022.

The details of the case run as follows:-

<p><u>Accused:</u></p> <p>A1: Unknown Official(s) of CMDA and Housing and Urban Development Department.</p> <p>A2: Mr. R. Srimanikandan, Formerly, Vice President(Administration)& Real Estate Officer, Cognizant India, Chennai.</p> <p>A3: Mr. T. Sridhar Thiruvengadam, Formerly, Chief Operating Officer, Cognizant India, Chennai.</p> <p>A4: M/s. Cognizant Technology solutions Pvt. Ltd., India</p> <p>A5: Mr. V. Ramesh, Formerly Construction Division Head, M/s. L&T, Chennai,</p> <p>A6. Mr. K. Kannan, Formerly Business Unit Head of L&T, Chennai. Resigned in 2018.</p> <p>A7. Mr. M. V. Sathish, Formerly Executive Vice President and Head Building and Factories, L&T Chennai.</p>	<p>Based on the detailed enquiry conducted into the allegation that during the period from 2011 to 2016, the marginally noted accused A2 Srimanikandan, then Vice-President, Administration & Real Estate Officer of Cognizant India, Chennai and A3 Sridhar Thiruvengadam, then Chief Operating Officer of Cognizant India, Chennai conspired together with A5 Ramesh, Construction Head, M/s. L&T, Chennai to bribe the officials of CMDA and others in order to get planning permit approval for the construction of largest IT buildings of A4 M/s cognizant Technology Solutions, constructed by A9 M/s L&T, Chennai and in pursuance of the conspiracy CTS obtained Planning Permit through L&T and thereby the unknown Official(s) of CMDA and Housing and Urban Development Department have obtained pecuniary advantage from the accused A5 Ramesh on</p>
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<p>Presently, Member of the Board & Senior Executive Vice-President, L&T.</p> <p>A8: Mr.S.N.Subramanian, Formerly, Construction Head, L&T, Chennai Presently, Head of Larson& Toubro, India.</p> <p>A9: M/s. Larsen & Toubro Ltd. India and others.</p>	<p>behalf of CTS represented by the marginally noted accused A2 and A3 namely, Srimanikandan and Sridhar Thiruvengadam.</p> <p>The unknown Official(s) of CMDA and Housing and Urban Development Department are public servants under section 2 (c) of the Prevention of Corruption Act, 1988.</p>
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A4 M/s Cognizant Technology Solutions (CTS) India Ltd., constructed a largest building facility called "KITS Campus" at Special Economic Zone (SEZ), Sholinganallur, Chennai through its contractor A9 M/s Larson & Toubro (called L&T) during the period between 2011 and 2016.

The Planning Permit was a statutory approval that was required prior to the commencement of construction of the KITS Campus. Despite that requirement, A4 CTS applied for Planning Permit on 07.02.2013, after the commencement of the construction of 14 months. The Member Secretary, CMDA after a lapse of 8 months has sent the file to the Government for approval on 01.11.2013, a required step in obtaining the Planning Permit for IT buildings. The file in-turn was sent to the office of the Minister for Housing and Urban Development on 14.11.2013. The planning permit was approved by the Minister on 26.06.2014, after a lapse of nearly 7 months, by that time the construction was commenced and 40% of construction was completed.

Tr.Nandakumar, Project Manager and Tr.Nagasubramanian, Assistant Manager of L&T, who have coordinated with CTS and CMDA, disclosed that the Planning Permit application reached Secretariat in November 2013 and was pending with the Ministry till June 2014. The Planning Permit file was pending with the then Minister for Housing and Urban Development from 14.11.2013 to till 26.06.2014, who later on approved the Planning Permit on 26.06.2014.

In the meantime, on 07.03.2014 the marginally noted accused A2 Srimanikandan, being the Real Estate officer of CTS, India, Chennai informed the CTS president namely, Tr.Gordon J. Coburn, USA that the marginally noted accused A5 Ramesh, construction head of L&T informed that an amount of Rs.12 crores is

required to meet the demand of bribe by the CMDA officials in order to expedite the approval of planning permit.

The scrutiny of e-mail communications between A9 L&T and A4 CTS show the active connivance of the marginally noted accused A6.K.Kannan, Business Unit Head, A7.M.V.Sathish, Executive Vice President and Head Building and Factories and A8.S.N.Subramanian, Construction Head of L&T in the demand and engagement of third party liaison consultant to handover the demanded bribe amount to the officials of CMDA or the officials of Housing and Urban Development department to get the Planning Permit. The accused A5 Ramesh, being head of construction division and the cutting edge level official to communicate the decision of A6 to A8, to A2 Srimanikandan on the every development of the obtainment of Planning Permit. The e-mail communications dt.12.03.2014, 21.04.2014 and 20.05.2014 would show that the top officials A6, A7&A8 of L&T were in the conspiracy theory of the bribe demand and in the engage of Liaison Consultant to process the approval.

In continuation of the said demand information, the marginally noted accused A2 Srimanikandan and A3 Sridhar Thiruvengadam, Vice-President of CTS, India, Chennai again discussed about the demand of bribe with Tr. Gordon J. Coburn, President of CTS, USA and Tr. Steven E. Schwartz, Chief Legal Officer of Cognizant, USA through Video conferencing on 21.04.2014 and 22.04.2014. In the conference Tr. Gordon J. Coburn, Tr. Steven E. Schwartz authorized Srimanikandan and Sridhar Thiruvengadam to ask L&T to pay the said bribe, which would be later reimbursed by CTS through variation bills/invoices at the end of the construction project.

The decision taken through video conferencing on 21.04.2014 and 22.04.2014 was conveyed to the accused A5 Ramesh by the accused A2 Srimanikandan, for which A5 Ramesh agreed. Consequently, on 17.05.2014 A5 Ramesh e-mailed Srimanikandan stating that, they are going ahead with the approval of planning permission and specifically mentioned not to inform the site team and others about this except for the top management of CTS, if required so. Later, on 20.05.2014, Srimanikandan sent an e-mail to Tr. Gordon J. Coburn apprised him that A5 Ramesh informed him that they have appointed a new Liaison Consultant to process the approval and he was confident to get the approval at the end of the month of May or early June.

Lastly, on 30.06.2014 A8Tr.Ramesh forwarded a copy of the approved Planning Permit to A2 Srimanikandan by way of confirmation that the approval was obtained by L&T after meeting of the demand of bribe. Consequently, A2 Srimanikandan has forwarded the G.O to Tr.Gordon J. Coburn through an e-mail, dt.30.06.2014. The Planning Permit was formally communicated to CTS by CMDA only on 05.11.2014.

As agreed earlier, A9 L&T submitted variation documents, which included the bribe payment to the sum of Rs.12 Crores and the amount of Rs.3.2 Crores paid to the liaison consultant to get the Planning Permit along with the items of works actually carried out at the site. On 13.01.2015, A2 Srimanikandan sent an e-mail to Tr.Gordon J. Coburn by enclosing an abstract for the payment to be made along with the detailed variation claims in excel format. The e-mail contains break-up for Rs.48.80Crores, which includes, Rs.26.20 Crores for the actual works executed at the site and Rs.22.60 Crores has been mentioned as statutory approvals. The final approved amount is Rs.47.3 crores. However, later an amount of Rs.12 Crores was added by the CTS in the name of "Architectural enrichment". The amount finally arrived at Rs.59.38Crores includes Rs.47.3 crores for changes executed at site and Rs.12 crores for architectural enrichment.

In order to create justification and to hide the payment of bribe, A4 CTS and A9 L&T rearranged the items of work and newly introduced 44 items in the name of variation works roughly the same amount. Even though the CTS Infrastructure Team initially rejected 29 items out of 54 items mentioned in the variation claim, the A4 CTS found to have paid Rs.59.38 Crores to A9 L&T in order to reimburse the bribe amount of Rs.12 Crores already paid by the L&T to the officials of CMDA and concerned Ministry.

The above payments were made by A4 CTS toA9 L&T based on the various false and concocted bills and invoices created during the period between 26.03.2015 and 22.09.2015.

In April 2016, the Cognizant Board of Directors made an internal audit of CTS Chennai office and a series of material misstatements and omissions made by Cognizant's senior executives that concealed a bribery scheme at the core of the company's business were unearthed by the audit team. The Department of Justice

(the "DOJ") and the Securities and Exchange Commission (the "SEC") of USA investigations confirm that Cognizant's Top executives directly participated in a criminal bribery scheme to obtain essential permits for critical SEZ facilities, and that these executives falsified Cognizant's SEC filings and Sustainability Reports in order to facilitate that scheme.

In 2019, the Department of Justice and Securities and Exchange Commission (the "SEC") of USA took up the matter and framed charges against M/s. Cognizant Technology Solutions Corporation represented by its officials namely, Coburn and Schwartz and also the marginally noted A2 Srimanikandan and A3 Sridhar Thiruvengadam. The charge pertaining to the construction of KITS campus is that in 2014 Cognizant authorized its contractor (L&T) to pay a \$2 million bribe to a senior government official for the issuance of a planning permit for a project in Chennai, India. The payment, along with a scheme to conceal a \$2.5 million reimbursement to the contractor (L&T), was authorized by two senior executives at Cognizant's U.S. headquarters. The unlawful payments were paid from Cognizant India's bank accounts and were not accurately reflected in Cognizant's consolidated books and records. During the relevant period Cognizant also failed to devise and maintain a sufficient system of internal accounting controls at its corporate headquarters and at Cognizant India. Cognizant voluntarily disclosed this misconduct to the Commission staff and timely shared the facts developed during the course of an internal investigation by the audit committee of its board. The Cognizant paid disgorgement of \$16,394,351, prejudgment interest of \$2,773,017, and a civil monetary penalty of \$6,000,000 to the Securities and Exchange Commission, USA.

It is revealed from the disclosure made by Tr.Nandakumar and Tr.Nagasubramanian mentioned above that the then Minister for Housing and Urban Development deliberately delayed the approval of the Planning Permit in order to facilitate the demand of bribe during the month of March 2014.


The payments made by A9 L&T to various vendor/supplier companies did not tally with the supplies/service said to have made by them and also there are lot of discrepancies found in the amounts claimed in the bills which categorically established that those bills could have created later on by L&T with a view to suppress the payment of bribe. Out of the total 1613 vendors/suppliers of L&T pertaining to the construction of KITS Campus, who said to have supplied materials/workmanship/sub-contract, the following companies namely, 1)

M/s.StoneZebero, 2) M/s.Sacistha Granite, 3)M/s.Em.Em.Em.Decors, 4) M/s.Arihant Enterprises, 5) M/s.Focus Infra Solutions, 6) M/s.Velavan Agency are to be thoroughly explored as payments were made to those companies even after the final payment of CTS made to L&T in February 2016.

In view of the facts mentioned above on the basis of enquiry, there are grounds to believe that the marginally noted accused A2 Srimanikandan, A3 Sridhar Thiruvengadam of CTS, and A5 Ramesh, A6 K.Kannan, A7 M.V.Sathish and A8 S.N.Subramanianof L&T entered into criminal conspiracy to bribe the officials of CMDA and officials of Housing and Urban Development department and the then Minister for Housing and Urban Development in order to get the approval of Planning Permit. In pursuance of the said conspiracy an amount of Rs.12 Crores was paid by way of bribe to the unknown officials of CMDA and unknown officials of Housing and Urban Development department and the then Minister for Housing and Urban Development, thereby the marginally noted accused A1, being the unknown officials of CMDA and unknown officials of Housing and Urban Development department and the then Minister for Housing and Urban Development, A2 Srimanikandan, A3 SridharThiruvengadam, A4 M/s Cognizant Technology solutions Pvt. Ltd., India, A5 Ramesh, A6 Kannan, A7 M.V.Sathish, A8 S.N.Subramanian and A9 M/s. Larsen & Toubro Ltd. India are suspected to have committed offences punishable under section 120B IPC and Section 7,12,13(2) r/w13(1)(d) of the Prevention of Corruption Act, 1988 for which I am authorized to register F.I.R.

Therefore, I register a case as per the memorandum of DVAC in DE 22/2021/CMDA/CC-III, dt.13.03.2023, against the accused A1 to A9 in V&AC CC-III Cr.No.2/2023/AC/CC-III, U/s Sections 120B IPC and 7, 12, 13(2) r/w13 (1) (d) of the Prevention of Corruption Act, 1988 on 20.03.2023 at 1100 hrs.

The original FIR is forwarded to the Court of Honourable Special Judge for Cases under Prevention of Corruption Act, Chennai and copies to the officers concerned.


20/3/23
Deputy Superintendent of Police
Vigilance and Anti-Corruption
Chennai City-III
Alandur, Chennai-600 016