



Dist. Bhaktinagar Year 2023 FIR No. 916/23 Date 14/10/2023
 Sections 406/417/420/529 B Act — Sections —
 Sections — iv) Others Acts & Sections —

3. (a) Occurrence of offence : Day 26/12/2016 Date From 26/12/2016 Date To 12/8/2023
 Time Period Not mentioned Time From — Time To —

(b) Information received at P.S. Date 14/10/2023 Time 13.05 hrs.

(c) General Diary Reference : Entry No (s) 714 Time 13.05 hrs.

4. Type of Information — Written / Oral —

5. Place of Occurrence : (a) Direction and Distance from P.S. — Beat No. —

(b) Address PCM Tower, 2nd Mile Sevoke Road, PS-Bhaktinagar, Dist-Jalpaiguri.

(c) In case outside limit of this Police Station, then the

Name of the P.S. — District —

6. Complainant / Informant :

(a) Name Sri Nishant Mittal

(b) Father's / Husband's Name K.K. Mittal

(c) Date / Year of Birth — (d) Nationality Indian

(e) Passport No. — Date of Issue : — Place of Issue —

(f) Occupation Business

(g) Address PCM Tower, 2nd Mile Sevoke Road, PS-Bhaktinagar, Dist-Jalpaiguri.

7. Details of known / suspected / unknown accused with full particulars

(Attach separate sheet, if necessary) : ① M/s. Cabcou India Limited (Formerly known as Cabcou India Pvt. Ltd.), its Directors ② Mr. Madan Mohan Fomra, ③ Mr. Vijay Kumar Fomra and ④ Mr. Manish Fomra, having their registered office at 4A, Pollock Street, Swaika Center, Ground Floor, Room No-21, Kolkata-700001, and at 1st Floor, The Terminus Building, 86-12, Action Area, 1B, New Town, Kolkata-700156.

8. Reasons for delay in reporting by the Complainant / Information —

9. Particulars of properties stolen / involved (Attach separate sheet, if necessary) : —

10. Total value of properties stolen / involved Rs. 34,65,813/- only

11. Inquest Report / U.D. Case No. If any —

12. FIR Contents (Attach separate sheets, if required) : The original written Complaint of the Complainant which is treated as F.I.R is reproduced over leaf.

13. Action Taken : Since the above report reveals commission of offence(s) as mentioned at item No. 2., Registered the case and took up the investigation / directed SI D.N. Beksli to take up investigation / refused investigation / transferred to P.S. — on point of jurisdiction. FIR read over to the Complainant / Informant, admitted to be correctly recorded and a copy given to the Complainant / Informant free of cost.

noted in original Complaint.

14. Signature / Thumb Impression of the Complainant / Informant

15. Date & Time of despatch to the court :

Signature of the Officer in Charge, Police Station —
 Name : Sri Bhaktinagar Police Station
 Rank : No. 1/E, Siliguri Police Station



PCM CONCRETE POLES

Corporate Office : PCM Tower, 2nd Mile, Sevoke Road, Siliguri-734 001, West Bengal
Phone : (91-353) 2777028 / 029 / 040 / 041
Fax : (91-353) 2540734
Email : pcm@pcmgrouppco.in
Website : www.pcmgroupco.in



To

Date: 14.10.2023

The Inspector-in-Charge,
Bhaktinagar Police Station,
District- Jalpaiguri.

Sub: Complaint against M/s. Cabcon India Limited (Formerly known as Cabcon India Private Limited) represented by its Directors, Mr. Madan Mohan Fomra, Mr. Vijay Kumar Fomra and Mr. Manish Fomra for cheating and misappropriation of admissible dues amounting to Rs. 34,65,813/- (Rupees Thirty four lacs sixty five thousand eight hundred and thirteen only) arising out of Purchase Order nos. 78 dated 26.12.2016 and 39 (Amended) dated 03.01.2018 for the North Behar Power Distribution Company Limited (NBPDC) Project at Bihar.

Dear Sir,

I, the undersigned, on behalf of PCM Concrete Poles (A Unit of PCM Group of Companies), engaged in manufacturing and supply of Pre-stressed concrete pole and having its corporate office at PCM Tower, 2nd Mile, Sevoke Road, District: Jalpaiguri, Siliguri- 734001, West Bengal, would like to inform you that M/s. Cabcon India Limited (Formerly known as Cabcon India Private Limited) represented by its Directors, Mr. Madan Mohan Fomra, Mr. Vijay Kumar Fomra and Mr. Manish Fomra having their registered office at 4A, Pollock Street, Swaika Center, Ground Floor, Room No. 21, Kolkata- 700001 and other office at 1st Floor, The Terminus Building, BG-12, Action Area, 1B, New Town, Kolkata- 700156 approached our firm for supply of 8 mtr long/200 kg Pre-stressed cement concrete pole on such terms and conditions mutually agreed between us.





Corporate Office : PCM Tower, 2nd Mile, Sevoke Road, Siliguri-734 001, West Bengal
Phone : (91-353) 2777028 / 029 / 040 / 041
Fax : (91-353) 2540734
Email : pcm@pcmgroupp.co.in
Website : www.pcmgroup.co.in



That M/s. Cabcon India Limited issued purchase orders for purchasing Concrete Poles and pursuant to such purchase orders our firm from time to time sold and supplied Pre-stressed concrete pole as per the approved specification of NBPDC, at prices agreed between the parties and in strict compliance of the terms and conditions mutually agreed between the parties. Moreover, M/s. Cabcon India Limited received and accepted the supplies of concrete poles in good condition and appropriated and utilized the same without raising any issue or disputing the same in any manner whatsoever.

That against such supplies invoices were raised on behalf of PCM Concrete Poles time to time but payments against invoices bearing nos. 193/2016-2017 to 195/2016-2017 and 86/2017-2018 to 109/2017-2018 and 1/2018-2019 to 19/2018-2019 amounting to Rs 34,65.813.00/- (Rupees Thirty four lacs sixty five thousand eight hundred and thirteen only) in total is still due and remains unpaid. As per the terms and conditions of the purchase order mutually agreed by the parties 100% payment along with taxes and duties will be paid after 30 days from the date of receiving of the material at site. M/s. Cabcon India Limited received and accepted the invoices without raising any dispute in any manner whatsoever.

It is pertinent that M/s. Cabcon India Limited received and accepted the goods as per the specification in good condition and appropriated and utilized it for profit but failed to clear the outstanding despite repeated reminders made through several emails, more so when they have admitted the dues which would be apparent from their ledger book shared by them through emails dated 12.09.2018 & 28.09.2018.



Further, M/s. Cabcon India Limited vide their email dated 07.02.2019 asked us to confirm whether our firm is registered under Micro, Small and Medium Enterprises (MSME) along with an Undertaking which was also provided by us via email dated 13.02.2019. That non-payment of the dues created a huge financial burden resulting in production loss and increase in liability which compelled our firm to seek legal recourse and consequently after receiving the demand letter dated 29.03.2019 the directors of M/s. Cabcon India Limited approached our firm requesting, some more time to meet the demand with interest and not to initiate any proceeding against them considering their long standing business relation. Thereafter, taking the benefit of Covid-19 directors of M/s. Cabcon India Limited further delayed the payment, however thereafter on two consecutive days i.e., on 10.08.2023 and 12.08.2023 an authorized representative from our firm visited their Kolkata Office (The Terminus Building) on their call to reconcile the accounts but they informed that their accounts have changed due to Enterprise Resource Planning (ERP) and as such they need some time to retrieve it and in the meanwhile they asked for the copies of the delivery challans and invoices relating to the same. Although the challans and invoices were immediately supplied to them but since then they are no more responding to our phone calls nor anymore paying any attention to liquidate the outstanding amount.

That M/s. Cabcon India Limited and its directors despite repeated assurances have deliberately failed and neglected to make payment of the outstanding amounting to Rs 34,65,813/- (Rupees Thirty four lacs sixty five thousand eight hundred and thirteen only) and thus have cheated and dishonestly and fraudulently misappropriated the admissible dues of PCM Concrete Poles. That M/s. Cabcon India Limited and its directors have induced our firm to deliver the goods with the intent to deceive our firm.



I, therefore cordially request you to take note of the aforesaid matter, book M/s. Cabcon India Limited and its directors and take necessary and appropriate action against them for cheating and putting PCM Concrete Poles into wrongful loss with an intention to misappropriate the fund and admissible dues of PCM Concrete Poles.

Thanking You.

Yours faithfully,

for PCM Concrete Poles


(Nishant Mittal)

Partner

S/o. Mr. K. K. Mittal,
mob: 99333-11111



Received on 14/10/23 at 13:05 hrs,
vide BLN PS GDE no-714 and started
Bhaktinagar PS Case no-916/23
date 14/10/23 u/s- 406/417/420/120B IPC.
SI D.N. Baskhi will investigate the case.


14/10/23
Inspector-In-charge
Bhaktinagar Police Station
Siliguri Police Commissionerate