

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

4097



1. Dist. SPC P.S. Bhadrnagar Year 2021 FIR No. 673/21 Date 13/06/2021

2. i) Act. IPC Sections 406/420/120B ii) Act. Sections

(iii) Act. Sections (iv) Others Acts & Sections

3. (a) Occurrence of Offence : Day Date From last february Date To 2021

Time Period Time From Time To

(b) Information received at P.S. Date 13/06/2021 Time 22.30 hr

(c) General Diary Reference : Entry No(s) 808 Time 22.30 hr

4. Type of Information : Written / Oral

5. Place of Occurrence : (a) Direction and Distance from P.S. 2 km east Beat No.

(b) Address. Celica Automobiles Pvt and FCA India Automobile Pvt. OPP Vival Cinema Hall, 2nd mile, Sevoke Road, PS Bhrnagar.

(c) In case outside limit of this Police Station, then the Name of the P.S. District

6. Complainant / Informant :

(a) Name Rajib Biswas

(b) Father's / Husband's Name S/O Shyamal Biswas

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

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

(f) Occupation Deputy General manager (Retail Sales) at

(g) Address at Mahagan. Siliguri Dist: Darjeeling.

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

(Attach separate sheet, if necessary) 1. Celica Automobile Pvt Hd. 2. Mr Debaj Biswas 310 Sri D.N. Biswas of celica Automobile 3. Kalyan kr Bose, Mr Balkrishna Saria, Mr Adarsh Tulshan Mr vedant Khetan, Mr Nikhil Atole Gupta cell of Director of Celica Automobiles, Parle Centre, Mumbai. 4. FCA India Automobiles 5. Mr Partha Dulla, Mr Cesar Pablo Michael Mr. Giuseppe Foglia, Mr Massimiliano Tordini all Director of FCA.

8. Reasons for delay in reporting by the Complainant / Information 1. CRM Customer Care Mumbai 2. Mr Mangesh Kondekar. MD. Mumbai 3. Mr Roland Bouchoze CEO and 4. Mr Rahul Panson. Head Marketing Mumbai.

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

10. Total value of properties stolen / involved

11. Inquest Report / U.D. Case No., if any

12. FIR Contents (Attach separate sheets, if required) : The original written complaint which is treated as FIR is enclosed herewith/ 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 BHASKAR KAR to take up investigation / refused investigation / transferred to P.S. on point of jurisdiction, FIR read over to the Complaint/ Informant, admitted to be correctly recorded and a copy given to the Complainant / Informant free of cost.

14. Signature / Thumb impression of the Complainant / Informant

Signature of the Officer-in-Charge, Police Station

Name DAWA TSHERING SHERPA

Rank : No. S.I. OF POLICE

15. Date & Time of despatch to the court :

Received on 13/06/21 at 22:30 hrs vide GDE NO 808 dt 13/06/21 and started Bkn P/ Case NO 623/21 dt 13/06/21, 415 406/420/120 B JPC (Cen) endorsed the same to SI Bhaskar Kumar for its investigation. 09th June, 2021

To,
The Officer-In-Charge,
Matigara Police Station,
Matigara, Siliguri - 734010,
District: Darjeeling, West Bengal

12/06/21
Inspector-In-Charge
Bhaktinagar Police Station
Siliguri-Metropolitan Police

Sub: Complaint against Celica Automobiles Private Limited and FCA India Automobiles Private Limited and its directors/ officers/ employees who are responsible for the day to day affairs and business of the company and are liable for commission of offences

Respected sir,

It is respectfully submitted that:

1. The complaint is being filed by me, Rajib Biswas, Son of Late Shyamal Biswas, currently working as Deputy General Manager (Retail Sales) at Indian Oil Corporation Limited and addressed at Indian Oil Corporation Limited, Divisional Office, SJDA Paribahan Nagar, Matigara, Siliguri- 734010, District: Darjeeling, (West Bengal) to bring to your attention the following.
2. This complaint is being instituted to report to you and seek investigation of offences committed by the persons named herein below *winter alia*, under sections 405, 415, 420 read with 120B of the Indian Penal Code, 1860 (IPC) for commission of cognizable offences of cheating, criminal breach of trust and criminal conspiracy:
 - (i) Celica Automobiles Private Limited (Celica Automobiles), a company registered under the Companies Act and addressed at Annapurna Annex, Opp. Vishal Cinema Hall, 2nd Mile, Sevoke Road, Siliguri - 734001.
 - (ii) Mr. Debraj Biswas, Son of Sri D. N. Biswas working as the Manager of Celica Automobiles and addressed at Annapurna Annex, Opp. Vishal Cinema Hall, 2nd Mile, Sevoke Road, Siliguri - 734001.
 - (iii) Mr. Kalyan Kumar Bose, Mr. Balkrishan Saria, Mr. Adarsh Tulshan, Mr. Vedant Khaitan, Mr. Nikhil Alok Gupta. All directors of Celica Automobiles and addressed at Park Center Building, 9th Floor, 24 Park Street, Kolkata -700016.

Page 1 of 6

Noted in original Complaint
of the Complainant / Informant

15. Date & Time of despatch to the court :

DR No. 3480 DT 13/6/21
Bhaktinagar Police Station
Siliguri Police Commissionerate
Name : DAWA
Rank : No. SIOF POLICE
BKN P/SP/PC

Bhaktinagar Police Station
Siliguri Metropolitan Police A

allegedly represents "high precision workmanship, distinctive styling and unmatched quality." He further assured me that the Jeep Compass would be the ideal and most comfortable vehicle for me and also for my families' needs and match my status as a General Manager of an Indian Maharatna Company, Indian Oil Corporation

- (iv) FCA India Automobiles Private Limited (FCA India Automobiles), a company registered under the Companies Act and having its registered office at 1601(III), 16 Floor, B Wing, The Capital, Plot #C-70 G Block, Bandra Kurla Complex, Bandra (East), Mumbai - 400051.
- (v) Mr. Partha Datta, Mr. Cesar Pablo Michelutti, Mr. Giuseppe Foglia, Mr. Massimiliano Trantini. All Directors of FCA India Automobiles and addressed at 1601(III), 16 Floor, B Wing, The Capital, Plot #C-70 G Block, Bandra Kurla Complex, Bandra (East), Mumbai - 400051.
- (vi) Mr Mangesh Kodalkar, CRM & Customer Care Head at Jeep India, Benefice Bldg. Mathuradas Mill Compound 2Nd Fl, Opp. Kamala Mills Compound, Lower Parel (W), Mumbai, Maharashtra, 400013, India
- (vii) Mr. Roland Bouchara, CEO and Managing Director, Stellantis India, 1601(III), 16 Floor, B Wing, The Capital, Plot #C-70 G Block, Bandra Kurla Complex, Bandra (East), Mumbai - 400051.
- (viii) Mr. Rahul Pansare, Head of Marketing & PR, Stellantis India, 1601(III), 16 Floor, B Wing, The Capital, Plot #C-70 G Block, Bandra Kurla Complex, Bandra (East), Mumbai - 400051.

3. The brief facts leading up to the filing of the instant complaint for the offences as complained of herein, are as under:

- (i) That some time in the last week of February 2021/ early March 2021, one Mr Debraj Biswas, Son of Sri D. N. Biswas, approached me and introduced himself as the Manager of one Celica Automobiles, the dealer of Jeep Compass Vehicle which is manufactured in India by FCA India Automobiles. He made tall claims about the Jeep Compass car and induced me to purchase the said car by claiming that the Jeep Compass is an "extraordinary" car loaded with features and comfort that no other car in the market offers. He then presented with various advertisement material including an official brochure of FCA India Automobiles.
- (ii) The said Mr. Debraj Biswas, for and on behalf of the management of Celica Automobiles and FCA India Automobiles assured me and made me believe that the said Jeep Compass car would require little to almost no maintenance and upkeep costs during the first few years. The said Mr Debraj Biswas, for and on behalf of the above named persons also claimed about the manufacturing capabilities, techniques and the quality of the said cars built and delivered by them and he explained me that this is for this precise reason that the said manufacturer and the dealer charges an exorbitant price for the so-called premium cars manufactured and sold by them which



Page 2 of 6

14. Signature / Initials of the Complainant / Informant

15. Date & Time of despatch to the court :

Noted in original Complaint
DR No. 3480 DT. 13/6/21
Bhaktinagar Police Station
Siliguri Police Commissionerate
Name : DAWA BARKING POLY A
Rank : No. S.I.O.F. POLICE
BICKN PS/SPC

BARKING POLICE STATION
Siliguri Metropolitan Police A

allegedly represents "high precision workmanship, distinctive styling and unmatched quality." He further assured me that the Jeep Compass would be the ideal and most comfortable vehicle for me and also for my families' needs and match my status as a Deputy General Manager of an Indian Maharatna Company, Indian Oil Corporation Limited.

- (iii) That sir, I was specifically told and represented by the employees of Celica Automobiles that I will be delivered a brand-new car and that they would not give/ sell me a car from their old stock.
- (iv) Sir, on being induced by the said Mr Debraj Biswas for and on behalf of his superiors, the above named persons, I decided to purchase the said Jeep Compass car for my personal needs and use and with an intention to avoid public transport during the Covid-19 pandemic. Accordingly, I contacted with several financier to arrange for the required funds. I got the sanction of the loan amount from State Bank of India, Siliguri Branch on 05.04.2021 and that the said Mr Debraj Biswas for and on behalf of the said manufacturer and the dealer delivered me a Jeep New Compass Car (Limited (O) edition - brilliant black color) having the Chassis No.MCANJPCH8MFA72479*3M and Engine No. 2796698 on 05.04.2021 vide its Tax Invoice bearing No. CAPL/10/2021/33 dated 31.03.2021 for an amount of INR 23,56,543/- (inclusive of taxes).
- (v) I paid the price of the said Car from and out of my hard-earned life savings along with the funds loaned by me from the said State Bank of India Siliguri Branch. I also paid an additional amount of INR 2,02,584/= for obtaining the government registration and an amount of INR 62,028/- for obtaining a year-long insurance cover and the car was registered vide vehicle number WB 74 BF 4455. A sum of Rs.50,000/= was also incurred for getting interior products of the car and other protective equipment such as floor mat, seat cover, etc.
- (vi) That Sir, just within few days of purchase, the car started troubling me in as much as there was a severe problem while starting the car/ switching on the engine and it also started to make unusual noise and leakage and the doors of the car also started to get jammed very frequently. As a result of which I had/have to rush the car to the workshop for inspection and necessary repair amidst the Covid-19 pandemic several times. A technician initially visited my residence to fix the problems, but he failed and the car was ultimately taken to the workshop on 19 April 2021 i.e. just after two weeks of purchasing the car and by the time the car had only run for about 34 kms. I had explained all the problems and issues with the said alleged 'new' car in detail to the personnel present in the workshop and made an earnest request to thoroughly check the car and carry out the necessary repairs and replacements. Thereafter, I was assured that the car would not give rise to any more complaints. However, given that

14. Signature / Thumb impression of the Complainant / Informant

15. Date & Time of despatch to the court :

Signature of the Officer in Charge, **Bhaktinagar Police Station**
Siliguri Metropolitan Police A
 DR No. **3480** DT **13/6/21** Name : **DAWA ISAK**
Bhaktinagar Police Station Rank : No. **S.I.C.F. POLICE**
Siliguri Police Commissionerate **BIEN PS/SPC**

the car had some major inherent defects, the problems continued, and I had/have constantly called up the Dealer for assistance and repairs.

- (vii) Sir, it is undeniable that despite being within the warranty period, the car gave persistent problems since day one and has been lying in an inoperative and unworkable condition in the workshop till date. It will not be out of place to mention that during this time, I had/have made umpteen number of phone calls and written several emails to air out my disappointment and grievances with the car manufactured by the manufacturer and sold by the dealer through the said Mr Debraj Biswas. The emails sent by me including the legal notice to the said responsible persons are reiterated and ought to be treated as part of this complaint, the contents of which are not reproduced herein for the sake of brevity.
- (viii) Sir, since after purchase of the car, the car has remained an enigma. In the short span of about two months, several technicians visited my residence for repair and that the car was taken to the workshop on three different occasions for thorough examination, inspection, and repairs. In the last two months, the car has /had a running of merely 164 kms, out of which more than half of the running has been on account of test driving and taking the car from my residence to the workshop and back. As such, I the undersigned or my family members have hardly driven the car and has only been paying the installments on loan availed for purchasing the luxury car. Sir, all these events have fortified my doubt and I am now confident that the car had/ has some manufacturing/ inherent defect since the time it has been delivered to me and that the dealer's workshop has been merely carrying out some temporary band-aid solutions which does not last for more than just few days.
- (ix) Recently, I have scrutinized the papers supplied by Celica Automobiles and Mr Debraj Biswas, who was/is working for and on behalf of the above named persons of the manufacturer and dealer company responsible for doing their business for commercial purposes, and came to know that the said persons in collusion with each others have conspired against me and sold their old vehicle instead of new Jeep Compass and took/received the value of the said vehicle as the price of new vehicle and cheated me with their dishonest and fraudulent intention. I say this because the said State Bank of India, Siliguri Branch sanctioned the loan amount only on 31.03.2021 whereas the said dealer company had/has raised its tax invoice on 05.04.2021, that is about 5 days prior to the date of sanction of the said loan amount. This clearly shows that I was misrepresented by the officials and employees of Celica Automobiles and FCA India Automobiles from their wrongful gains and hoodwinked into purchasing the old car instead of new car. The service history of the car in a short span of two months itself make it clear that I was sold an old/ used car.

Page 4 of 6

Signature / Thumb Impression
of the Complainant / Informant

Date & Time of despatch to the court :

DR No. 3480 DT. 13/6/21
Bhaktinagar Police Station
Siliguri Police Commissionerate

Signature of the Officer in Charge, who is on
Bhaktinagar Police Station
Siliguri Metropolitan Police A
Name : DAWA
Rank : No. S.I.C.F. POLICE
BICKR PS/SPC

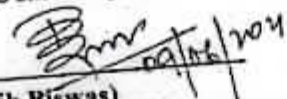
(x) At the time of purchasing the said vehicle, had I known that the above-named persons would not deliver me a new vehicle being new Jeep Compass and would deliver an old car with some inherent manufacturing defects that would give me constant trouble and I would be deprived from enjoying and using the said vehicle by paying such huge amount, I would not have agreed to purchase the said vehicle by paying a huge amount of INR 26,71,155/-. It is clear from the act and conduct of the said persons that the said Mr Debraj Biswas, in collusion with his superior officers, directors and other responsible persons of the said company had/have conspired against me and sold the said old vehicle as new vehicle with their dishonest and fraudulent intention and have cheated me.

(xi) I verily believe that the fraud and cheating of such a nature is unlikely to have happened without the knowledge and active participation and involvement of the higher officials and directors of Celica Automobiles and FCA India Automobiles. The accused persons named above have collectively hatched a convoluted scheme in secrecy to cheat and defraud me and rob me of my hard-earned money by selling me a sub-standard and a used car instead of a new car for their wrongful gains.

(i) I also strongly apprehend that the accused persons named herein above may have also tried to cheat and defraud other customers by selling them old and un-used cars instead of selling them new Jeep Compass cars. It is for this reason as well that your good office ought to take cognizance of this and take appropriate action so that the accused named here do not cheat and dupe other customers.

4. That in view of the facts and circumstances narrated hereinabove, I most earnestly request you to kindly register an F.I.R. against the accused persons named hereinabove and to investigate the matter to unearth the larger scam, and if the accused persons are indeed found guilty, ensure the prosecution and punishment of the accused persons and any other person involved in the commission of the offences outlined above, in accordance with law. I remain available for any assistance or information that you may require in this regard.

Yours sincerely,


 (Rajib Biswas)
 Son of Late Shyamal Biswas,
 DGM, Indian Oil Corporation Limited,
 Paribahan Nagar, Matigara, Siliguri
 Contact No. 97714-455861

Copy to:

श्री राजीव बिस्वास
 DGM (Retail Sales)
 इंडियन ऑयल कॉर्पोरेशन लिमिटेड (रिटेल प्रदाता)
 Indian Oil Corporation Limited (MO)
 सिलीगुरी मेंटर कारपोरेशन
 Siliguri Divisional Office

Sri Susanta Bose s/o
 Late Sanat Ch. Bose cum
 Submitting the FIR on
 behalf of Rajib Biswas
 DGM, IOCL, Siliguri
 Susanta Bose
 8348233358

14. Signature / Thumb Impression
 of the Complainant / Informant
Noted in original Complaint

15. Date & Time of despatch to the court :

DR No. 3480 DT 13/6/24
 Bhaktinagar Police Station
 Siliguri Police Commissionerate
 Name : DAWA
 Rank : No. S.I.O.F. POLICE
 BIKN PS/SPC
 Signature of the Officer
 Bhaktinagar Police Station
 Siliguri Metropolitan Police A

The Commissioner of Police,
Siliguri Police Commissionerate, Siliguri

---For information and necessary action please

Enclosures:

- (a) Xerox copies of Tax Invoice issued by Celica Automobiles dated 31.03.2021.
- (b) Registration Papers of the Jeep Compass car.
- (c) Loan Sanction letter dated 04.04.2021 issued by the State Bank of India, Siliguri Branch.
- (d) Job Sheets, etc. issued by Celica Automobiles.



Signature / Thumb impression
of the Complainant / Informant

Date & Time of despatch to the court :

DR No. 3480 DT 13/6/21
Bhaktinagar Police Station
Siliguri Police Commissionerate

Signature of the Officer in Charge, Police Station

Name : DAWA (S.I.C. No. 1307)
Bhaktinagar Police Station
Siliguri Metropolitan Police A

Rank : No. S.I.C. POLICE
BKN PS/SPC