2024:DHC:6418

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ O.M.P.(EFA)(COMM.) 1/2023, EX.APPL.(OS) 537/2023 (Interim Protection)

INTERNATIONAL AIR TRANSPORT ASSOCIATION THROUGH ITS HEAD IATA INDIA BRANCH MR RODNEY AUGUSTINE D CRUZ ..... Decree Holder

Through: Mr. Prashant Mehta, Mr. Vijay Chawla and Mr. Dhruv Chawla, Advs.

versus

SPRING TRAVELS PVT LTD THROUGH ITS MANAGING DIRECTOR MR MANDEEP SINGH ANAND ..... Judgement Debtor

Through: Mr. C.P. Tomar, Adv.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA

O R D E R

% **04.05.2023**

The instant enforcement petition has been moved in respect of a foreign award. Learned counsel who has entered appearance on behalf of the respondent has stated that the objections have been duly prepared. He prays for time to place the same on the record.

In view of the aforesaid and in order to enable the respondent to place their objections on record, this matter shall stand adjourned by a period of two weeks.

In the meanwhile, the interim orders of the restraint as they operated in O.M.P.(I)(COMM) 209/2018 and which were to continue till today, shall stand extended till the next date of listing.

In addition to the above, the respondent shall file an Affidavit of Assets as per the format appended to this order and place the same in sealed cover.

Let the matter be called again on 23.05.2023.

YASHWANT VARMA, J.

MAY 04, 2023 / SU

FORMAT OF AFFIDAVIT OF ASSETS AND INCOME OF THE JUDGMENT-DEBTOR[1]

I/we________________________, son of / daughter of wife of / ________________________, aged about ____ years, resident of ____________________________, am/are the Proprietor/Directors/Promoters/Partners/Karta/Managing Trustee of the_______________ __________________ and I/we do hereby solemnly affirm and declare as under:

S. No.	Description	Particulars
1.	**Whether judgment-debtor has the means to satisfy the award/ decree/order? If yes, please give the proposed Schedule of payment:**	
2.	Details of registration and incorporation	
3.	Current address of registered office and the addresses of registered offices in the last ten years	
4.	Particulars of shareholding of the judgment-debtor and inter-se relationship of shareholders	
5.	Particulars of the Partners/Directors/Promoters and other key managerial staff with their name, age, designation, length of employment, past employment details of past ten years, complete residence address, their shareholding in the Company, its subsidiaries, its joint ventures and other associated entities	

[1]***Note 1*** ***- If the judgment debtor is a company, this affidavit has to be executed by all any Director/Promoter duly authorized in this behalf (other than independent/non-executive/nominee directors); If the judgment debtor is a partnership firm, this affidavit has to be executed by any of its partners duly authorized in this behalf; If the judgment debtor is a proprietorship firm, this affidavit has to be executed, by its proprietor and in case of a trust, by its Managing Trustee.***

Note 2 ***- All the documents attached to this affidavit have to be self-attested by the deponent.***

6.	Name and addresses of the Partners/Directors/ Promoters on the date of the incorporation	
7.	Name and addresses of the Partners/Directors/ Promoters on the date of the beginning of the cause of action	
8.	Name and addresses of the Partners/Directors/ Promoters on the date of the decree/ award was passed	
9.	Name and addresses of the Partners/Directors/ Promoters on date of the affidavit	
10.	Particulars of all related parties including subsidiary companies, sister concerns, agencies, distributors etc.	
11.	Net worth of the Business/Firm/Company	
12.	Number of employees	
13.	Location of the statutory records and books of account of the judgment-debtor	
14.	Location of assets of the judgment-debtor	
15.	Particulars of the transactions with the related parties whether in the form of expenses, loans or otherwise from the date of the beginning of cause of action upto the date of the affidavit	
16.	Has the judgment-debtor transferred any assets to any Directors /Promoters /Partners /Proprietor/ Trustee? If so, give particulars	

STATEMENT OF ASSETS

S.No.	**Assets**	**List of Assets**			**Present Estimated Market Value**
		On the date of the cause of action	**On the date of the decree /award**	**Present**	
17.	(i) ***Immovable properties*** Particulars of the immovable properties including joint properties, built up properties, lease				

	hold properties, land /agricultural land and investment in real estate such as booking of plots, flats, etc. of the judgment-debtor (ii) ***<u>Possession</u>*** Whether the possession of the above properties is with the judgment-debtor? If no, give status of the possession (iii) ***<u>Title documents</u>*** Whether the title documents of the above properties are with the judgment-debtor? If no, give status of the possession of the title documents (iv) ***<u>Litigation</u>*** Whether any litigation is pending in respect of the above properties. If so, give particulars				

18.	***<u>Financial Assets/Debts</u>***: (i) Particulars of all bank accounts including Current and Savings Accounts in judgment-debtors' name or joint names with the judgment-debtor presently maintained. <u>Note</u> : *If any bank account(s) has/have been classified by the banks as willful defaulter under the Master Circular on 'Wilful Defaulters' dated 01.07.2015 [RBI/2015-16/100DBR.No.CID. BC. 22/20.16.003/2015-16] or Reserve Bank of India (Frauds classification and reporting by commercial banks and select Financial Institutions) directions 2016 under Master Circular dated 01.07.2016 (RBI /DBS/*	**S.No.**	**Account Number**	**Name of Bank**	**Current Balance**
		1.			
		2.			
		3.			
		4.			
		5.			
		6.			
		7.			

	2016-17/28 DBS. CO. CFMC. BC. No.1/23.04.001 /2016-17), give particulars of such bank accounts.	8.			
		Details			**Current Value of Shares**
	(ii) Particulars of DEMAT accounts held by judgment-debtor and presently maintained.				
	(iii) Cash in hand				
	(iv) Particulars of the safety deposit of lockers in the name of the judgment-debtor or in joint names with the judgment-debtor				
	(v) Particulars of the debts/ liabilities of the judgment-debtor				
	(vi) Particulars of the overdraft facility along with name and address of the bank, branch, account No., type and particulars of the security given to secure the overdraft				
19.	***Investments*** (i) FDR(s), NSC, IVP, KVP, Post Office schemes, Provident Fund(s) etc. (ii) Deposits with Government and Non-Government entities (iii) Stocks, shares, debentures,	**Particulars**			**Current Value**

	bonds, units and mutual funds, etc. (iv) Insurance policies (v) Loan given (vi) Details of the foreign investments made including those made in last ten years or from the date of beginning of cause of action, whichever is later (vii) Other investments not covered by above items		
20.	***Movable Assets*** (i) Motor Vehicles (List of cars, motorcycles, scooters etc. along with their brand and registration number) (ii) Livestock (iii) Plant &Equipments	**Particulars**	**Cost of Acquisition**
21.	***Intangible assets*** Intangible assets including patents, trademark, copyright, design, goodwill and their value		
22.	***Garnishee(s)/Trade receivables*** (i) Name(s) and addresses of Garnishee(s) and the particulars of the debt, share and other properties recoverable from the Garnishee(s) with complete details of the transactions (ii) Trade receivables along with name, address and amount due from each Garnishee(s)		

23.	***About disposal of properties*** (i) Particulars of properties transferred/agreed to be transferred or parted with the possession by any mode including sale, gift, relinquishment, General Power of Attorney, Special Power of Attorney, exchange, agreement, family settlement, lease, transfer of share holding/investment etc. from the date of beginning of cause of action, whichever is later; name/address of the transferee and the sale consideration received from the transferee(s) (ii) List of properties that have ever been in judgment-debtors' name or in which judgment-debtor had any right/ interest		
24.	***Existing charges on the assets*** (i) Particulars of existing charges on the assets of the judgment-debtor including mortgage, charge, pledge on the assets (ii) Whether the charges are registered, and the present status of the same (iii) Whether any of the assets are subject to attachment proceedings under any Act including Prevention of Money Laundering Act, 2002; Income Tax Act, 1961; Benami Transactions (Prohibition) Act,1988 and Black Money (Undisclosed Foreign Income and Assets) and Imposition of		

	Tax Act, 2015		
25.	***List of other assets not itemized above***		

STATEMENT OF INCOME

S. No	Description	On the date of the cause of action	On the date of the award/decree	Present
26.	***Income from business/profession*** (i) Annual turnover / gross receipts (ii) Gross Profit (iii) Income Tax (iv) Net Income *Note: If the business is closed/non-active, give the date of closure, assets on the date of closure, present status of the assets and if the assets have been transferred, the particulars of the transfer and consideration received*			
27.	***Income from Other Sources*** (i) Agricultural Income (ii) Rent (iii) Interest on bank deposits and FDRs (iv) Interest on investments including deposits, NSC, IVP, KVP, Post Office schemes, PPF, loans etc. (v) Dividends (vi) Income from machinery, plant or furniture let on hire (vii) Profit on sale of movable/ immovable assets (viii) Any other sources of income not covered above			

	Note: - If the judgment-debtor is expecting to receive a lump sum payment in the future, give further details including the amount and expected date of receipt of the payment			
28.	***Any other income not covered above***			

OTHER RELEVANT INFORMATION

29.	Particulars of the unsatisfied decrees/awards against the judgment-debtor	
30.	Details of loan/credit facility(s) taken from banks and other financial institutions in the last five years and the present status	
31.	Name and address of the auditors and date of last audit of accounts	

DOCUMENTS

S. No.	Document	Description of Document		
Description		Please Tick		
		Attached	NA	To follow
32.	Statement of Account of all bank accounts including current, savings and DEMAT accounts of the judgment-debtor for last three years			
33.	(i) If the judgment-debtor is a sole proprietorship concern - Income Tax Return(s) along with the balance sheets, Profit & Loss Account, statement of income and Annexures of the proprietorship firm for last five years (ii) If the judgment-debtor is a partnership firm - Income Tax Return(s) along with the balance sheets, Profit & Loss Account, statement of income and Annexures of the partnership firm, along with the Schedule showing the distribution of partners' remuneration and share of profits/losses of the partnership firm and the copy of			

	the partnership deed, for last five years (iii) If the judgment-debtor is a Company - Income Tax Return(s) along with the balance sheets, Profit & Loss Account, statement of income and Annexures of the Company for last five years (iv) If the judgment-debtor in an Association of Persons, HUF, Joint Family business or Trust - Income Tax Return(s) along with the balance sheets, Profit & Loss Account, statement of income and Annexures of the Association of Persons, HUF, Joint Family business or Trust for last five years (v) GST/ VAT/ Excise/ Sales Tax registration, returns in last five years (vi) TDS certificates			
34.	***<u>In case of Income from other sources</u>:*** (i) Lease Deed(s)/ Rent Agreement(s)/ License Agreement(s) in respect of the rental income (ii) Interest Certificate in respect of the interest income on deposits and investments (iii) Dividend Certificates			
35.	Title deeds of the immovable properties of the judgment-debtor			
36.	Documents relating to the debt, shares and other properties of the judgment-debtor recoverable from the Garnishee(s)			
37.	Documents relating to the properties transferred, alienated or parted with person or agreed to be transferred by the judgment-debtor			
38.	Documents pertaining to any pre-existing charge on the assets, or orders pertaining to attachment of assets by authorities including but not limited under Prevention of Money Laundering Act, 2002; Income Tax Act, 1961; Benami Transactions (Prohibition) Act, 1988; and Black Money (Undisclosed Foreign Income and Assets)and Imposition of Tax Act, 2015			
39.	Form 26AS downloaded from the website of Income Tax Department for the last five financial years			
40.	Forms 3CA/3CB and 3CD, as applicable, pursuant to Section 44AB of the Income Tax Act, 1961 filed for the last			

	five years			
41.	Documents relating to the unsatisfied decrees/awards			
42.	Other relevant documents relating to assets and income			

<u>Declaration:</u>

1. I/we declare that I/we have made accurate, true and complete disclosure of income and assets of the judgment-debtor from all sources. I/we further declare that the judgment-debtor has no assets, income or financial resources other than those set out in this affidavit.

2. I/we undertake to inform this Court immediately upon any material change in the income and assets of the judgment-debtor or any other information disclosed in this affidavit.

3. I/we hereby declare that the contents of this affidavit have been duly explained to me and have been understood by me.

4. The copies of the documents filed with the affidavit are the true copies of the originals and I/we have self attested the copies after comparing them with their originals.

5. I/we understand that any false statement and misrepresentation in this affidavit may constitute an offence under Section 199 read with Sections 191 and 193 of the Indian Penal Code, 1860 punishable with imprisonment upto seven years and fine, and Section 209 of the Indian Penal Code, 1860 punishable with imprisonment upto two years and fine. I/we have read and understood Sections 191, 193, 199 and 209 of the Indian Penal Code, 1860.

DEPONENT

Verification:

Verified at ____________on this ____ day of ___________ that the contents of the above affidavit relating to the income and assets of the judgment-debtor are true to my/our knowledge, no part of it is false and nothing material has been concealed therefrom. I/we further verify that the copies of the documents filed along with the affidavit are true copies of the originals.

DEPONENT