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

+ O.M.P.(EFA)(COMM.) 8/2016 & E.A.(OS) 410/2019

LALIT M. BIJLANI & ORS.

..... Decree Holders

Through: Mr.Ankur Gupta, Mr.Karri Venkata Reddy, Advocates

versus

SUNIL DUTT AGGARWAL, & ANR.

..... Judgment Debtors

Through: Mr.Pawan Bahl, Mr.Sanjay Goel, Ms.Nitika Kumar, Advocates

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **21.11.2019**

1. Issue notice to the official liquidator appointed by the Bombay High Court in Company Petition No.264/2015 vide order dated 13th April, 2017, returnable on 05th February, 2020.
2. Judgment debtor No.1 is present in Court along with his counsel. Judgment debtor No.1 is directed to file fresh affidavit of his assets on the date of the cause of action, date of the award as well as on the date of filing of the affidavit in Form 16A, Appendix E under Order XXI Rule 41(2) of the Code of Civil Procedure within 30 days.
3. In exercise of power under Section 165 of the Indian Evidence Act read with Order XXI Rule 41 of Code of Civil Procedure and Section 106 of the Indian Evidence Act, this Court directs judgment debtor no. 1 to file an additional affidavit in the format attached hereto as **Annexure-A** along with documents mentioned therein within 30 days.
4. In the event of failure of judgment debtor No.1 to file affidavit within



thirty days, judgment debtor No.1 shall be liable to be detained in civil prison under Order XXI Rule 41(3) of the Code of Civil Procedure upon deposit of the subsistence allowance by the decree holders.

5. The judgment debtors shall not dispose of, alienate, encumber either directly or indirectly or otherwise part with the possession of any assets to the tune of award amount except in the ordinary course of business such as payment of salary and statutory dues till further orders.

6. The response to the affidavits of judgment debtor No.1 be filed by the decree holder before the next date of hearing.

7. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

NOVEMBER 21, 2019
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ANNEXURE - I

FORMAT OF AFFIDAVIT OF ASSETS AND INCOME

I _____, son of / wife of /daughter of _____, aged about ____ years, resident of _____, do hereby solemnly affirm and declare as under:

S. No.	Description	Particulars
1.	<u>Whether you have means to satisfy the award/ decree/order? If yes, please give the proposed schedule.</u>	
2.	Full name	
3.	Age	
4.	Educational/ Professional qualifications	
5.	Occupation	
6.	Monthly income from all sources including employment, business, vocation, interest or investment, income from properties, assets, etc.	
7.	Current source of income as well as sources of the income in the last five years	
8.	Marital Status	
9.	Complete details of the family members (Name, age, relation, employment details of past 10 years, complete office and residence address)	
10.	(a) Present residential address with particulars of police station and district	
	(b) Permanent residential address with	



	particulars of police station and district	
	(c) Present Office address with particulars of police station and district	
	(d) E-mail address	
	(e) Mobile No.(s)	
	(f) Landline Phone No.(s) Residence:- Office:-	
	(g) Passport No.	
	(h) Aadhaar Card	
	(i) PAN Card, CIR, CIBIL, DEMAT ACCOUNTS	

DECLARATION 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 award/decrece	Present	
11.	<u>Immovable properties</u> Particulars of the immovable properties including joint properties, land, built up properties, lease hold properties, agricultural land and investment in real estate such as booking of plots, flats, etc. <u>Possession</u> Whether the possession of the	.			



	above properties is with the deponent? If no, give status of the possession. <u>Title documents</u> Whether the title documents of the above properties are with the deponent? If no, give status of the possession of the title documents. <u>Litigation</u> Whether any litigation is pending in respect of the above properties. If so, give particulars. <i>(In case of partnership/HUF, give the particulars of the assets of the firm/HUF)</i>				
12.	<u>Movable Assets</u> (i) Motor Vehicles (List of cars, motorcycles, scooters etc. along with their brand and registration number) (ii) Livestock (iii) Mobile phone(s) (iv) Computer/Laptop (v) Other electronic gadgets including I-pad etc. (vi) TV, Fridge, Air Conditioner, etc. (vii) Other household appliances (viii) Quantity of gold, silver and diamond jewellery (ix) Quantity of Silver Utensils (x) Details of the shares, investments, positions,				



	associations held by the person in companies, partnerships, trust, joint venture and Association of Persons, Society etc in the past 10 years or from the date of beginning cause of action till date. (xi) Any other movable asset(s) of the value of more than Rs.25,000/- each.				
13.	<u>Financial Assets:</u> (i) Details of all bank accounts including Current and Savings Accounts in your name, or joint names held in the last 10 years. <i>(In case of partnership/HUF, give the particulars of the assets of the firm/HUF)</i>	Account Number	Name of Bank	Current Balance	
		(i)			
		(ii)			
		(iii)			
		(iv)			
	(ii) Cash in hand				
	(iii) Particulars of the safety deposit of lockers				
14.	<u>Investments</u> Details of all investments you hold or, in which you have interest and their current value: (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, bonds, units and mutual funds, etc. (iv) Life and endowment policies and surrender value (v) Loan given to friends, relatives and others (vi) Details of all the foreign investments made including those made in last 10 years or from the date of beginning of cause of action till date (vii) Details of the charity institutions or other bodies in which you made donations, gifts, grants etc in last 10 years or from the date of beginning of cause of action till date. (viii) Pensions and Retirement Savings Plan- Indicate name of institution where accounts are held, name and address of pension plan and pension details. (ix) Details and particulars of the pension, gratuity amount, employees provident fund, pay out amount, or other retirement benefits and honorarium received till date. (x) Other investments not covered by above items		
15.	<u>Intangible assets</u> i. Intangible assets including patents, trademark, copyright, design, goodwill held by the individual and		



	their value ii. Complete details of GST/ VAT/Excise/Sales Tax registration, returns of the person in last 10 years or from the date of beginning cause of action till date.				
16.	<u>Garnishee(s)</u> Name(s) and addresses of Garnishee(s) of the deponent and the particulars of the debt, share and other properties of the deponent recoverable from the Garnishee(s).				
17.	<u>Corporate/Business Interests</u> List any interest that you hold, directly or indirectly, in any corporation, unincorporated business, company, partnership, trust, joint venture and Association of Persons, Society etc and also details of the same as held in the past 10 years or from the beginning of cause of action till date.	On the date of the cause of action	On the date of the award/decrece	Present	Current Value
18.	<u>Properties acquired by the judgment debtor in the name of the family members</u> (i) Particulars of the properties (movable/				



	immovable) acquired by the immediate family members (wife/husband/children/parents) of the deponent from the date of the cause of action upto the date of filing of this affidavit. (ii) Whether the deponent contributed any amount in the above acquisition. If so, give particulars of contribution. (iii) Details of the funds transferred by the person in the name of immediate family members in the past 10 years or from the date of beginning cause of action till date being above Rs. 2,00,000/- (iv) Details and particulars of shares purchased/investments made by the person in the name of immediate family members in the past 10 years or from the date of beginning cause of action till date.				
19.	<u>About disposal of properties</u> List of the 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 etc. from the date of cause of action upto this date; name/address of the transferee and the sale consideration received from the				



	transferee(s) Details and particulars of sale, gift, disposal of shareholding, investments in any company, partnership, trust, joint venture and Association of Persons, Society etc in the past 10 years or from the date of beginning cause of action till date. List of all the properties (past/present) that have ever been in your name or in which you have/ had any right/interest.				
20.	<u>About parting away of properties or shares therein:</u> Complete details of all gift deeds, relinquishment deeds or any other deed of disposition/transfer executed in favour of children, grand children or in favour of anyone else in last 10 years details of the funds transferred by the person in the name of immediate family members in the past 10 years or from the date of beginning cause of action till date				
21.	<u>Others</u> List anything else of value that you own, including precious metals, collections, works of art, jewellery or household items of value of more than Rs.25,000/- each.				



DECLARATION OF INCOME

S. No	Description	On the date of the cause of action	On the date of the award/decrece	Present
22.	<u>In case of salaried persons:</u> (i) Designation (ii) Name and address of the employer (iii) Date of employment (iv) Gross Income including the salary, D.A., commissions/ incentives, bonus, perks etc. (v) Perquisites and other benefits provided by the employer including accommodation, cars/other automotive, sweeper, gardener, watchman or personal attendant, gas, electricity, water, interest free or concessional loans, holiday expenses, free or concessional travel, free meals, free education, gifts, vouchers, etc. credit card expenses, club expenses, use of movable assets by employees, transfer of assets to employees, value of any other benefit/amenity/ service/ privilege and			



	the value of such perquisites and benefits (vi) Deductions from the gross income (vii) Income tax paid (viii) Net income (ix) Value of stock option benefits, if provided by the employer (x) Pension and retirement benefits payable at the time of retirement			
23.	<u>In case of self-employed persons:</u> (i) Nature of business/ profession (ii) Whether the business/ profession is carried on as an individual, sole proprietorship concern, partnership concern, company or association of persons, HUF, joint family business or any other form.			
24.	<u>In case of an individual /proprietorship firm:</u> (i) Office address and the branch offices, if any, (ii) Number of employees (iii) Annual turnover/gross receipts (iv) Gross Profit (v) Income Tax (vi) Net Income (vii) Details and value of benefits in kind, perks or			



	other remuneration received from the business e.g. provision of car, payment of accommodation etc. (viii) Amount of regular monthly withdrawal or drawings from the business (ix) Current value of your business interest(s) (x) Current value of your business assets (xi) Location of the statutory records and books of account of the business			
25.	<u>In case of company, partnership, HUF, joint family business or any other form:</u> (i) Details of registration and incorporation (ii) Address of the Registered Office and the branch offices, if any, of the firm including all addresses from the date of cause of action till the date of filing of the present affidavit. (iii) Details of shareholding of all the directors and promoters and their family members (iv) Details of all subsidiary companies and sister concerns of the company (v) Net worth of the company /firm/HUF.			



	(vi) Number of employees (vii) Annual turnover/gross receipts (viii)Gross Profit (ix) Income Tax (x) Net Income (xi) Details and value of benefits in kind, perks or other remuneration received from the business e.g. provision of car, payment of accommodation etc. (xii) Amount of regular monthly withdrawal or drawings from the business (xiii)Current value of your business interest(s) (xiv)Current value of your business assets (xv) Location of the statutory records and books of account of the firm			
26.	<u>Income from Other Sources:</u> (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) Gifts (viii)Profit on sale of movable/ immovable			



	assets (ix) Details of all insurance policies obtained by the Judgment Debtor Company in last 10 years or so.			
27.	Any other income not covered above			
	TOTAL MONTHLY INCOME			

PERSONAL INFORMATION OF THE DEPONENT

28.	Have you ever been arrested?	
29.	Have you ever been kept under detention?	
30.	Have any Court issued bailable/non-bailable warrants for appearance against you?	
31.	Have you ever been released on bail/anticipatory bail?	
32.	Have you ever been prosecuted for any offence?	
33.	Have you ever been convicted for any offence?	
34.	Have you ever been declared as proclaimed offender/proclaimed person by any Court?	
35.	If the answer to any of the above mentioned questions (S.No. 28-35) is 'Yes', give full particulars of the case/arrest/bail/detention/conviction/sentence/punishment etc. and/or the name of the case.	
36.	Particulars of all pending litigations, disputes, claims, arbitrations pending in any Court, Tribunal, Forum, Authority, in which you are	



	party. Give the name of the case, name of the Court, nature of case and the next date of hearing.			
37.	Details of all decided/disposed off litigations, disputes/disposed off disputes, claims, arbitrations decided in any Court, Tribunal, Forum, Authority, in which you were party. Give the name of the case, name of the Court, value of case and date of decision.			
38.	Particulars of all the unsatisfied decrees/awards.			
39.	Details of company(s) in which the deponent is a director or had been a director in the last five years.			
40.	Details of all firms and other business entities in which the dependent had interest in the last five years.			
41.	Details of loan/credit facility(s) taken from banks and other financial institutions in the last five years.			
42.	Particulars of place of residence where you have resided during the preceding five years			
	Period		Address in full with Police Station & Distt. along with area (in sq. ft.) of the residential accommodation	Whether owner/tenant? If rented, the amount of rent?
	From	To		



43.	Frequency of foreign travel, business as well as personal			
44.	Particulars of the countries visited till now?			
45.	Do you intend to travel outside India? If yes, Give details of the visit, purpose of visit and the approximate expenditure on the visit.			
46.	Category of hotels ordinarily used for stay, official as well as personal			
47.	Particulars of credit/debit cards, its limit and usage			
48.	Mode of travel in city/outside city			
49.	Category of hotels ordinarily used for stay, official as well as personal			
50.	Category of hospitals opted for medical treatment including type of rooms			
51.	Name of school(s) where the child or children are studying			
52.	Status of the deponent/family:	☐ High ☐ Upper Middle ☐ Middle ☐ Lower Middle ☐ Low ☐ Below poverty line		



DOCUMENTS RELATING TO PERSONAL INFORMATION, ASSETS & INCOME

S. No.	Document	Description of Document
53.	Aadhar Card	
54.	PAN Card	
55.	Passport	
56.	Attested copies of the title deeds of the immovable properties of the deponent.	
57.	Attested copies of the documents relating to the debt, share and other properties of the deponent recoverable from the Garnishee(s).	
58.	Attested Copies of the title documents relating to the properties transferred, alienated or parted with person or agreed to be transferred between the date of the cause of action upto the date of filing of this affidavit.	
59.	Statement of Account of all bank accounts including current and savings accounts for last 5 years.	
60.	Income Tax Return(s) along with the balance sheets, statement of Income and annexure(s) for last 5 years	
61.	<u>In case of Salaried Persons</u> (i) Appointment Letter (ii) Salary slip (iii) Forms 16, 16A & 12BA	



	(iv) Cost to Company Certificate and CIBIL Certificate, wherever applicable (v) Copies of TDS certificates	
62.	<u>In case of self-employed persons</u> (i) Balance Sheet and Profit & Loss Account for the last five years. (ii) Balance Sheet and Profit & Loss Account of the proprietorship firm, if the business is carried on in the name of a sole proprietorship concern for the last five years. (iii) Balance Sheet and Profit & Loss Account of the partnership firm, if the deponent is a partner in a 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 the last five years. (iv) Balance Sheet and Profit & Loss Account of the Company in which the deponent is a Director for the last five years. (v) Balance Sheet and Profit & Loss Account of the Association of Persons, HUF, Joint Family business or Trust in which the deponent has share for the last five years. (vi) Copy of account of the deponent in the books of the business (vii) Copies of TDS certificates	
63.	<u>In case of Income from other sources:</u> (i) Lease Deed(s)/ Rent	



	Agreement(s)/ Licence Agreement(s) in respect of the rental income. (ii) Interest Certificate in respect of the interest income on deposits and investments. (iii) Dividend Certificates	
64.	Documents relating to the pending litigations	
65.	Documents relating to the decided litigations	
66.	Documents relating to the unsatisfied decrees/awards against the deponent	
67.	Copies of the FIR(s) in which the deponent was or is involved	
68.	Other relevant documents relating to Income and Assets	

Declaration:

1. I declare that I have made full and accurate disclosure of my income and assets from all sources. I further declare that I have no income and assets other than set out in this affidavit.
2. I undertake to inform this Court immediately upon any material change in my income and assets or any other information included in this affidavit.
3. The copies of the documents filed with the affidavit are the true copies of the originals and I have self attested the copies after comparing them with the originals.
4. I understand that any false statement in this affidavit may constitute an offence under Section 199 read with Sections 191 and 193 of the Indian Penal



Code punishable with imprisonment upto seven years and fine, and Section 191 of Indian Penal Code punishable with imprisonment upto two years and fine. I have read and understood Sections 191, 193 199 and 209 of the Indian Penal Code.

DEPONENT

Verification:

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

DEPONENT