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

+ EX.P. 275/2012 & EX.APPL.(OS) 221/2018

M/S BHANDARI ENGINEERS &
BUILDERS PVT LTD

..... Decree Holder

Through: Mr. S.S. Jauhar, Advocate.

versus

M/S MAHARIA RAJ JOINT
VENTURE & ORS

..... Judgment Debtors

Through: Mr. Sanjay Agnihotri, Advocate with
Mr. B.K. Verma and Mr. Raj Verma,
directors of judgment debtor No.4.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

ORDER
04.09.2019

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1. Learned counsel for decree holder submits that Brij Kishore Verma and Raj Kishore Verma, partners of judgment debtor No.4 have not filed the affidavit in compliance of the orders of this Court and, therefore, they be detained in civil prison.
2. The partners of judgment debtor No.4 are granted one last opportunity to file fresh affidavits of their assets as on the date of the cause of action, date of the award as well as on today in Form 16A, Appendix E under Order XXI Rule 41(2) of the Code of Civil Procedure within 15 days. The partners of the judgment debtor No.4 shall give declaration and verification in terms of para-6 of the judgment dated 11th January, 2016.



3. In the event of failure of the partners of judgment debtor No.4 to file the aforesaid affidavits, they shall be detained in civil prison for three months under Order XXI Rule 41(3) of the Code of Civil Procedure.
4. The partners of judgment debtor No.4 are directed to file additional affidavit in the format attached hereto as *Annexure A* within two weeks along with the documents mentioned therein.
5. The advance copy of the affidavits be given to the counsel for decree holder who shall file the response thereto within two weeks thereafter.
6. The judgment debtors are restrained from disposing of, alienating, encumber either directly or indirectly or otherwise parting with the possession of any of their assets to the tune of decretal amount except in the ordinary course of business such as payment of salary/statutory dues till further orders.
7. List for further hearing as a part heard matter on 11th October, 2019.
8. The partners of the judgment debtor No.4 shall remain present in Court on the next date of hearing.
9. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

SEPTEMBER 04, 2019
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ANNEXURE A

FORMAT OF AFFIDAVIT OF ASSETS, INCOME AND EXPENDITURE

(In case of a Company, the affidavit of assets, income and expenditure shall be filed by all the Director(s).

In case of a Partnership Firm, the affidavit of assets, income and expenditure shall be filed by all the Partners).

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

PART - I

PERSONAL INFORMATION RELATING TO THE DEPONENT

S. No.	Description		Particulars
1.	Name		
2.	Age		
3.	Educational/ Professional qualifications		
4.	Occupation		
5.	Monthly income		
6.	Monthly expenditure		
7.	Marital Status		
8.	Members of the family: (a) Dependent (b) Independent		
9.	(a)	Residential address	
	(b)	Office address	
	(c)	E-mail address	
10.	Whether you are assessed to Income Tax?		



PART - II

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 award/decreed	Present	
1.	<u>Immovable assets</u> Including land, built up properties, lease hold properties, agricultural land and investment in real estate such as booking of plots, flats and other immovable properties List any interest in properties, including lease hold interest and mortgages, whether or not you are registered as owner. Provide legal descriptions and indicate estimated market value of your interest <i>(In case of partnership/HUF/company, give the particulars of the assets of the firm/HUF/company as well as the assets of all the partners/members/directors.)</i>				
2.	<u>Joint Properties</u> Particulars of the joint properties and the share of the deponent. Give the status of the possession. Whether any litigation pending with respect to the joint property? If so, give particulars.				
3.	<u>Financial Assets:</u> (i) Details of all bank accounts including Current and Savings Accounts in your name, or joint name. <i>(In case of partnership/HUF/company, give the particulars of the particulars of bank accounts of the firm/HUF/company as well as the bank accounts of all the</i>	<u>A/c No. & Name of Bank & Branch</u>	Balance on the date of the cause of action	Balance on the date of the award/decreed	Present Balance



	partners/members/ directors.)				
	(ii) Cash in hand				
4.	<u>Investments</u> Details of all investments you hold or, in which you have interest and their current value: (i) FDRs, NSC, IVP, KVP, Post Office schemes, PPF 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) Other investments not covered by above items	List of Assets			Current Value
		On the date of the cause of action	On the date of the award/decree	Present	
5.	<u>Pensions and Retirement Savings Plan</u> Indicate name of institution where accounts are held, name and address of pension plan and pension details.				
6.	<u>Corporate/Business Interests</u> List any interest you hold, directly or indirectly, in any corporation, unincorporated business, partnership, trust, joint venture and Association of Persons, Society etc.				
7.	<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				
8.	<u>Intangible properties</u> Including patents, trademark, copyright, design, goodwill and their value				
9.	<u>About disposal of properties</u> Particulars of properties (movable as well as immovable) sold/agreed to be sold between the date of the cause of action upto the date of filing this affidavit and the sale consideration received from the purchaser(s)				
10.	<u>Others</u> List anything else of value that you own, including precious metals, collections, works of art, jewellery or household items of high value. Include location of any safety deposit lockers.				

PART-III
STATEMENT OF INCOME

S.No	Description	Particulars		
1.	<u>In case of salaried persons:</u>	On the date of the cause of action	On the date of the award/decrece	Present
	(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			
2.	<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.			
2A.	<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			
2B.	<u>In case of company, partnership, HUF, joint family business or any other form:</u> (i) Address of the Registered Office and the branch offices, if any, of the firm (ii) Net worth of the company			



	/firm/HUF in which you are Director /Partner/ Member and your share in the business. (iii) Number of employees (iv) Annual turnover/gross receipts (v) Gross Profit (vi) Income Tax (vii) Net Income (viii) Details and value of benefits in kind, perks or other remuneration received from the business e.g. provision of car, payment of accommodation etc (ix) Amount of regular monthly withdrawal or drawings from the business (x) Current value of your business interest(s) (xi) Current value of your business assets (xii) Location of the statutory records and books of account of the firm			
3.	<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			
4.	Any other income not covered above			
	TOTAL MONTHLY INCOME			

PART IV
STATEMENT OF EXPENDITURE

S. No.	Monthly expenditure		Amount (in Rs.)
1.	Housing	Monthly rent	
		Mortgage payment(s)	
		Repairs & Maintenance	
		Property tax	
2.	Household expenditure	Groceries/Food/Personal care/clothing	
		Water	
		Electricity	
		Gas	
		Telephone	
		TV Cable/Set-top Box charges & Internet services	
		Maintenance, replacement and repair of household items, appliances and kitchenware items.	
		Telephone	
		Domestic full time/part time servant(s)	



		Others (specify)	
3.	Expenditure on Children		
4.	Transport	(i) Car/Scooter	
		(a) Driver(s)	
		(b) Fuel	
		(c) Repair/Maintenance	
		(d) Insurance	
		(e) Loan repayment	
		(ii) Public Transport	
		(a) Bus	
		(b) Taxi	
		(c) Metro	
		(d) Auto	
5.	Medical expenditure	Doctor	
		Medication	
		Hospital	
		Other medical expenditure	
		Others (specify)	
6.	Insurance	Life	
		Annuity	
		Householders	
7.	Entertainment and recreation	Club	
		Health Club	
		Gym	
8.	Holiday and vacations		



9.	Gifts	
10.	Pocket money/allowance	
11.	Legal/litigation expenses including expenses incurred in this litigation	
12.	Discharge of Liabilities	
	Credit card(s) payment	
	Hire purchase/lease	
	(i) Repayment of Loans	
	(a) House loan	
	(b) Car loan	
	(c) Personal loan	
	(d) Business loan	
	(e) Any other loan	
	(ii) Name of the lenders	
	(iii) Mode of repayment	
	(iv) Instalment amount	
	(v) Other liabilities	
13.	Miscellaneous	
	Newspapers, magazines, books	
	Religious contributions/Charities	
	Others (specify)	
14.	Other expenditure (not specified above)	
TOTAL MONTHLY EXPENDITURE		



PART – V

GENERAL INFORMATION RELATING TO THE STATUS,

STANDARD OF LIVING AND LIFESTYLE

S. No.	Description	Particulars
1.	Name of school(s) where the child or children are studying	
2.	Area of residential accommodation (in sq. feet)	
3.	Who is the owner of the residential accommodation? In case of rented accommodation, specify the monthly rent	
4.	Number of part-time/full time domestic servants and their wages	
5.	Average monthly withdrawal from bank(s)	
6.	Mode of travel in city/outside city	
7.	Membership of clubs/health clubs/gyms, societies and other associations. Specify the membership fee and subscription	
8.	Particulars of credit/debit cards, its limit and usage	
9.	Particulars of frequent flier cards	
10.	Frequency of foreign travel, business as well as personal	
11.	Category of hotels ordinarily used for stay, official as well as personal	



12.	Category of hospitals opted for medical treatment including type of rooms	
13.	Brand of vehicle, mobile and wrist watch	
14.	Expenditure ordinarily incurred on family functions including birthday of the children	
15.	Expenditure ordinarily incurred on festivals	
16.	Expenditure on marriage of family members	
17.	Status of the deponent/family: - High - Upper Middle - Middle - Lower Middle - Low - Below poverty line	

PART – VI

DOCUMENTS RELATING TO ASSETS, INCOME AND EXPENDITURE

S. No.	Document	Description of Document
1.	Aadhaar Card	
2.	PAN Card	
3.	Passport	
4.	Driving Licence	
5.	Ration Card	
6.	Voter ID	
7.	Statement of Account of all bank accounts including current and savings	



	accounts for last 3 years (<i>In case of partnership/HUF/ company, give the particulars of the bank accounts of the firm/HUF/ company as well as the bank accounts of all the partners/members/ directors</i>).	
8.	Income Tax Return(s) along with the balance sheets, statement of Income and annexures for last 3 years (<i>In case of partnership/HUF/ company, give the particulars of the ITRs of the firm/HUF/ company as well as the ITRs of all the partners/members/ directors.</i>)	
9.	<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	
10.	<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 at time when the cause of action arose; at time of the award/decreed and at time of filing of this affidavit. (ii) Interest Certificate in respect of the interest income on deposits and investments at time when the cause of action arose; at time of the award/decreed and at time of filing of this affidavit. (iii) Dividend Certificates in respect	



	of dividend income at time when the cause of action arose; at time of the award/decreed and at time of filing of this affidavit. (iv) Sale Deed(s)/transfer documents in respect of the profit on sale of property/properties at time when the cause of action arose; at time of the award/decreed and at time of filing of this affidavit.	
11.	(i) Documents relating to the expenditure on education of children including tuition fees (ii) Rent and maintenance receipts (iii) Electricity, water, security and gas bills (iv) Documents relating to the salary paid to the employees including servant(s) (v) Documents relating to expenditure on conveyance (vi) Debit and Credit Card statements (vii) Frequent Flier's Card statements (viii) Mobile and landline phone bills (ix) Internet and TV cable/ Set -Top Box bills (x) Documents relating to the re-payment of the loans (xi) PPF, EPF and other superannuation fund receipts (xii) Receipts of premium of insurance policies (xiii) Receipts of payments in respect of mutual funds (xiv) Documents relating to payment of interest on bank and other loans (xv) Documents relating to the payment of taxes, including	



	Income Tax and Property Tax	
12.	Other relevant documents relating to Income/Assets/Expenditure	

Declaration:

1. I declare that I **have/do not** * have means to satisfy the order/decreed/award.
2. I declare that I have made full and accurate disclosure of my income, expenditure, assets and liabilities from all sources. I further declare that I have no assets, income, expenditure and liabilities other than set out in this affidavit.
3. I undertake to inform this Court immediately upon any material change in my employment, income, expenses or any other information included in this affidavit.
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 209 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 assets, income and expenditure 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

* Please strike out what is not applicable.