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

+ **FAO 348/2011**

RAM NIWAS GUPTA

..... Appellant

Through: Mr. Anil Sehgal, Adv. along with
appellant in person.

versus

BINDU SINGH & ORS

..... Respondents

Through: Mr. K.V. Sreemithun, Ms.Chahat
Khurana, Advs. for respondents no.1
and 2.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **15.05.2017**

1. The appellant deposited a sum of Rs.2,13,114/- with the Commissioner, Employees' Compensation on 3rd August, 2011 out of which 40% amount was released by the Commissioner, Employees' Compensation in terms of the order dated 8th August, 2011 passed by this Court and the balance amount of Rs.1,27,874/- has been transferred by the Commissioner, Employees' Compensation to the Registrar General of this Court in terms of the judgment dated 12th April, 2017.

2. It appears that the Commissioner, Employees' Compensation did not keep the balance 60% amount in fixed deposit and therefore, the said amount has not earned any interest. This is in clear violation of the orders of this Court as well as the undertaking given by the Commissioners that the amounts deposited by the claimants have been kept in fixed deposit.

3. In *National Thermal Power Corporation Ltd. v. Hari Chander*, FAO 262/2011, following statement was made on behalf of Commissioners, Employees' Compensation of GNCTD on 15th July, 2016:

"....It is further submitted that all the amounts deposited with

Commissioner, Employees' Compensation have been kept in fixed deposit and henceforth, the Commissioner, Employees' Compensation shall ensure that the future amounts deposited with them shall also be kept in fixed deposit."

4. Show cause notice is hereby issued to the Commissioner, Employees' Compensation to show cause as to why the balance 60% amount deposited by the appellant was not kept in fixed deposit till date. The reply to the show cause be filed within a period of four weeks from today.
5. With respect to Rs.1,27,874/- transferred by the Commissioner, Employees' Compensation to this Court, the Registrar General is directed to disburse the said amount by instructing UCO Bank, Delhi High Court Branch by transferring the said amount to respondent no.1-Bindu Singh in her savings bank account No.31509751347 with State Bank of India, Ayodhya, Naya Ghat Road (IFSC Code SBIN0002510) within a period of four weeks from today.
6. With respect to the interest on the award amount, the appellant present in Court along with his counsel submits that he does not have the means to deposit the interest in terms of the judgment dated 12th April, 2017. The appellant is directed to file the affidavit of his assets, income and expenditure as on the date of the accident i.e. 14th November, 2011 as well as today in the format attached hereto as Annexure A along with the documents mentioned therein within a period of four weeks from today.
7. With respect to the show cause notice issued to the appellant to show cause as to why penalty be not imposed, learned counsel for the appellant has handed over the reply to the show cause notice which is taken on record. Copy of the same is handed over to learned counsel for the respondent.
8. List for further hearing on 13th July, 2017.
9. The appellant shall remain present in Court on the next date of hearing.

10. The personal appearance of respondent is exempted on the next date of hearing.
11. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

MAY 15, 2017/dk

ANNEXURE A**FORMAT OF AFFIDAVIT OF ASSETS, INCOME AND EXPENDITURE***
AFFIDAVIT

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**

Sl No.	Description	Particulars
1.	Name	
2.	Age	
3.	(a) Residential address	
	(b) E-mail address	
4.	Marital Status	
5.	Members of the family: (a) Dependent (b) Independent	
6.	Number of children(s) with their name(s) and age(s)	
7.	Educational qualifications	
8.	Professional qualifications	
9.	Occupation	
10.	Monthly income (Give details in Part II)	
11.	Monthly expenditure (Give details in Part III)	
12.	Expenditure on the education of the Children (Give details in Clause 3 of Part III)	
13.	Whether you are assessed to Income Tax?	
14.	Name of your counsel and his/her e-mail address	

****Note – 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.***

PART-II
STATEMENT OF INCOME

S.No	Description	Particulars
1.	<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	
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. Give particulars of your share in the business/ profession. In case of partnership, specify the share in the profit/losses of the partnership	

	(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) List of directorships held, sitting fees, commission or any other remuneration (xiii) Net worth of the company in which you are Director along with the number of shares held in the Company	
3.	<u>In case of Company/Partnership Firm:</u> (i) Information and particulars with regard to the shareholding, involvement in the affairs and management of the firm/company (ii) List of all the bank accounts of the firm/company (iii) Names and residential addresses of the Directors of the firm/company along with their PAN numbers and DIN numbers, as well as complete particulars of all moveable and immovable assets held in their personal names and the dates of their acquisition, and the nature of the right, title and interest therein (iv) Address of the Registered Office and the Corporate or branch offices, if any, of the firm/company (v) Location of the statutory records and books of account of the firm/company (vi) List of immovable assets, land and building etc. of the firm/company as on the date of the award/order. (vii) List of immovable assets, land and building of	

	the firm/company as on the date of filing the affidavit (viii) List of the movable assets of the firm/company, their location and value (ix) Details of the debtors and creditors of the firm/company with their complete addresses and (x) Details of workmen/employees and any amount outstanding to them (xi) Whether the firm/company have assets/means to satisfy the decree?	
4.	<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	
5.	Any other income not covered above	
	TOTAL MONTHLY INCOME	

PART III
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	School fees	
		Crech/Day Care/After school care	
		Books/Stationery	
		Private Tutions	
		Sports	
		Outings/summer camps/vacations	
		Entertainment	
		Others	
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 personal liabilities	
13.	Miscellaneous	Newspapers, magazines, books	
		Religious contributions/ Charities	
		Others (specify)	
14.	Other expenditure (not specified above)		
TOTAL MONTHLY EXPENDITURE			

PART - IV
STATEMENT OF ASSETS

S. No.	Assets	List of Assets		Present Estimated Market Value
		On the date when the claim was raised	On the date when order was passed	
1.	<u>Real Estate</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 in your name and joint names. 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 without deducting encumbrances or costs of disposition.) (Record encumbrances under debts.)			

2.	<u>Joint Properties</u> Particulars of the joint property in the name/names of the joint owners and the share of the deponent. Give the status of their 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 and balance in the said account (ii) Cash in hand	Account No. & Name of Bank	Balance at the date of this Statement	
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	Particulars	Current Value	
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.	Particulars	Maturity amount	

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.	Particulars	Current value
7.	<u>Movable Assets</u> (i) Motor Vehicles (List 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	Particulars	Current value
8.	<u>Intangible properties</u> Including patents, trademark, copyright design and 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 on which the claim was raised upto the date of filing this affidavit and the sale consideration received from the purchaser	Particulars	Estimated market value
10.	<u>Others</u> List anything else of value that you own, including precious metals, collections, works of art, jewellery or	Particulars	Estimated current value

	household items of high value. Include location of any safety deposit lockers.		
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PART - V
STATEMENT OF LIABILITIES

S. No.	Description	Particulars of Debts	Current Value
1.	<u>Secured debt(s)</u> List all mortgages, loans, and any other debt secured against an asset		
2.	<u>Unsecured Debt(s)</u> List all bank loans, personal loans, credits, overdrafts, credit cards and any other debts		
3.	<u>Other</u> List any other debts, including obligations that are relevant to a claim		

PART – VI
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 – VII
DOCUMENTS RELATING TO ASSETS, INCOME AND EXPENDITURE OF
THE DEPONENT

PART A
DOCUMENTS RELATING TO PERSONAL INFORMATION

S. No.	Document	Description of Document
1.	Aadhaar Card	
2.	PAN Card	
3.	Passport	
4.	Driving Licence	
5.	Ration Card	
6.	Voter ID	

PART B
DOCUMENTS RELATING TO INCOME, ASSETS AND LIABILITIES

S. No.	Document	Description of Document
1.	Statement of Account of all bank accounts including current and savings accounts for last 3 years	
2.	Income Tax Return(s) along with Statement of Income and Annexures for last 3 years	
3.	<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	

4.	<u>In case of self-employed persons</u> (i) Balance Sheet and Profit & Loss Account (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 (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. (iv) Balance Sheet and Profit & Loss Account of the Company in which the deponent is a Director (v) Balance Sheet and Profit & Loss Account of the Association of Persons, HUF, Joint Family business or trust in which the deponent has share (vi) Copies of TDS certificates	
5.	<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 in	

	respect of dividend income	
	(iv) Sale Deed(s)/transfer documents in respect of the profit on sale of property/properties	
6.	Other relevant documents relating to Income/Assets	
7.	Other relevant documents relating to liabilities	

PART C
DOCUMENTS RELATING TO EXPENDITURE

8.	(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 repayment 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	
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	payment of taxes, including Income Tax, Wealth Tax and Property Tax (xvi) Other relevant documents relating to Expenditure	
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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