

**BEFORE THE HON'BLE LOKAYUKTA
JUSTICE MANMOHAN SARIN
COMPLAINT NO. C-1955/LOK/2013**

In Re:-

MS. SÁRITA PUNIYA,
R/O D-215, RAJ NAGAR, PART-II,
PALAM COLONY,
DELHI ...COMPLAINANT/INFORMANT

VERSUS

SMT. SEEMA PANDIT
MUNICIPAL COUNCILLOR
WARD NO. 145 ... RESPONDENT

REPORT

1. Complainant vide her letter dated 9 January, 2013, complained to the Chief Election Commissioner as also the Lokayukta, alleging that the Respondent/Councillor Smt. Seema Pandit, concealed the factum of ownership of a vehicle by writing 'Nil' in the relevant column, of her nomination form.
2. Complainant alleged that Respondent was the registered owner of a Toyota Innova, Registration No. DL-9C-7777, on the date of filing of the nomination. Copy of the affidavit showing 'Nil' written in column no. 6, section-A, which carried the description of details of movable assets, was filed. In addition, the vehicle's particulars from the

transport department showing Toyota car with Regn. No. DL 9C 7777 being in Respondent's name, were filed.

3. A similar complaint was received from Ms. Rachna Solanki, R/o WZ-743, Bata Chowk, Palam Vihar, New Delhi, in the event, the complaint has filed by Sarita Punia was taken up for issuance of notice and consideration.

The allegation against the Respondent was of concealing the ownership of motor vehicle at the time of filing of nomination for election. Respondent being the Councillor of Ward No. 145, Palam Vihar, New Delhi and a member of the Municipal Corporation of Delhi, under section 2 (m) (v) of the Delhi Lokayukta and Upalokayukta Act, 1995, was a 'Public Functionary'. By allegedly concealing the factum of ownership of the car which she was obliged to declare, violation of the norms of integrity and conduct is alleged against her.

4. The communication of Ms. Sarita Punia not being in proper proforma as per Form-II, prescribed in Rule-C of Delhi Lokayukta and Upalokayukta (Investigation) Rules, 1998, and also not supported by an affidavit, was treated as 'other information', under Section-7 of Delhi Lokayukta and Upalokayukta Act, 1995.

Notice was directed to be issued to the Respondent to show cause why inquiry against her be not initiated under sub Section (b) of Section-2 read with Section-7 of

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Delhi Lokayukta and Upalokayukta Act, 1995, returnable on 6 March, 2013.

5. On 6 March, 2013, reply was filed. In the reply, it is averred that allegations are false, baseless and motivated. The vehicle had been sold to Mr. Ranbir Singh S/o Sh. Kartar Singh, R/o WZ-831, Mohalla Badial, Palam Village, New Delhi. It was claimed that requisite papers i.e. Form 29 and 30, delivery receipt and cash receipt dated 30 January, 2012 were executed between her and the buyer. Photocopies of the said documents were filed. It is averred that she sold the vehicle as she was in dire need of cash for purchase of House No. 447, Palm Extn. New Delhi, at that time. She offered to produce said documents if required. The sale consideration amount receipt for the vehicle was claimed to have been shown in the Tax Return for the financial year. Copy of the Income Tax Return was also filed. She also admitted using the vehicle during the election, since the purchaser Sh. Ranbir Singh offered to send and had lent the same to her. Allegations were denied and were labelled as motivated and made to somehow damage her reputation in the society.
6. In her balance sheet, purchase of residential property at Palam Extension for Rs. 18.00 Lacs was shown, while in the capital account, loss by sale of vehicle of Rs. 1,39,146/- is claimed.

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7. Ms. Sarita Puniya claimed the entire transaction of sale of vehicle Innova to be a sham transaction and an attempt to cover up the failure and omission to declare truthfully the vehicle owned by her in the nomination form.
8. The statements on oath of Ms. Sarita Puniya, Ms. Seema Pandit and Shri Ranbir Singh were duly recorded. Shri Ranbir Singh was re-examined on 23rd Sept. 2013. It would be worthwhile to notice their statements together with the documents produced and relied on.

“(i) Complainant duly proved her communication dated 9th January, 2013 as Ex. CW1/1. She stated that the photocopy of the letter Ex. CW1/2 (Colly) was given to her by Ms. Rachna Solanki, which she attached with her communication. She claimed that respondent's case of having sold the vehicle to Sh. Ranbir Singh on 3rd January, 2012 was a false one and had been fabricated to save the situation. She reiterated false declaration made by the Respondent in the affidavit. She also admitted that it was in order for a candidate to campaign in 2 or 3 cars for which permission is taken even if said cars did not belong to the campaigner.

i) Sh. Ranbir Singh, purchaser of the vehicle was examined on 9th July, 2013. He stated that he has passed class 10th in the year 1983 from Govt. Boys Senior Secondary School, Palam Village, Delhi. He

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claims to be proficient in Hindi but not in English. However, he can read and sign in English. He used to have transport business in the year 1984 and then purchased one or two long route trucks. He was in the transport business till 1990 and since then he is doing the sale purchase, renting the properties on commission basis. He was also earning by driving vehicle. He further stated that his family owned about 150 bighas of land which was acquired. He received some money out of compensation, from his father. He was also given a 150 sq. yards plot on which he constructed a house with ground, first, second and half of third floor. He received Rs. 8.00 to 10 lakhs in cash from his father. The first, second and half of third floor of his house have 10 sets. He is not tax assessee. He had an account in State Bank of India, bearing A/c No.55025267334. He deposed that he sold a plot in Raj Nagar for Rs. 20.00 lakhs. He had received Rs. 5.00 lakhs by cheque and the remaining amount of Rs. 15.00 lakhs was received in cash. He deposited cheque in bank account. Respondent's husband was his childhood friend. He confirmed having purchased Innova car from Seema Pandit for Rs. 11.00 lakhs in cash on 30- January, 2012. He did not get it transferred in his name earlier though it was in his possession since 30- January, 2013. Seema Pandit had taken the car

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