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P. Murali

S.V.L.No.15/94 R.No.8/2009
H.No.1-1-65, Old Alwal. R.R.Dist

Id to K. Lingam
D/o K. Narasimha

whom AFFIDAVIT TO BE FURNISHED BY CANDIDATE ALONG WITH NOMINATION
PAPER BEFORE THE RETURNING OFFICER For Election to Legislative Assembly
From 037- NARSAPUR ASSEMBLY CONSTITUENCY MEDAK DISTRICT
STATE OF ANDHRA PRADESH

AFFIDAVIT

KANIGIRI LINGAM, son of K.NARSAIAH, aged about 38 years, resident of H.No.3-57,
KALLAKAL (V), TOOPRAN MANDAL, MEDAK DIST-502336, Candidate at the above
election, do hereby solemnly affirm and state on oath as under:

..Contd.2



Dated: 27th March, 2003

No. 3/ER/2003/JS-II

ORDER

1. Whereas, the superintendence, direction and control, inter alia, of all elections to Parliament and to the Legislature of every State are vested in the Election Commission by Article 324 (1) of the Constitution of India;

2. And whereas, the Hon'ble Supreme Court of India had, by its order dated 2nd May, 2002, in Civil Appeal No.7178 of 2001 – Union of India Vs Association for Democratic Reforms and another, held as follows:-

(1) The jurisdiction of the Election Commission is wide enough to include all powers necessary for smooth conduct of elections and the word 'elections' is used in a wide sense to include the entire process of election which consists of several stages and embraces many steps.

(2) The limitation on plenary character of power is when the Parliament or state legislature has made a valid law relating to or in connection with elections; the Commission is required to act in conformity with the said provisions. In case where law is silent, art 324 is a reservoir of power to act for the avowed purpose of having free and fair election. Constitution has taken care of leaving scope for exercise of residuary power by the Commission in its own right as a creature of the Constitution in the infinite variety of situations that may emerge from time to time in a large democracy, as every contingency could not be foreseen or anticipated by the enacted laws or the rules. By issuing necessary directions Commission can fill the vacuum till there is legislation on the subject. In *Kanhiya Lal Omar's case* (AIR 1988 SC 111), the court construed the expressions 'superintendence, direction and control' in art 324(1) and held that a direction may mean an order issued to a particular individual or a precept which may have to follow and it may be a specific or a general order and such phrase should be construed liberally empowering the Election Commission to issue such orders.

The word 'elections' includes the entire process of election which consists of several stages and it embraces many steps, some of which have an important bearing on the process of choosing a candidate. Fair election contemplates disclosure by the candidate of his past including the assets held by him so as to give a proper choice to the candidate (sic) (elector) according to his thinking and opinion. As stated earlier, in *Common Cause case* [(1996) 2 SCC 752], the court dealt with a contention that elections in the country are fought with the help of money power which is gathered from black sources and once elected to power, it becomes easy to collect tons of black money, which is used for retaining power and for re-election. If on affidavit a candidate is required to disclose the assets held by him at the time of election, voter can decide whether



he could be reelected even in case where he has collected tons of money.
XXX XXX

(4) To maintain the purity of elections and in particular to bring transparency in the process of election, the Commission can ask the candidates about the expenditure incurred by the political parties and this transparency in the process of election would include transparency of a candidate who seeks election or re-election. In a democracy, the electoral process has a strategic role. The little man of this country would have basic elementary right to know full particulars of a candidate who is to represent him in Parliament where laws to bind his liberty and property may be enacted.

(5) The right to get information in democracy is recognized all throughout and it is natural right flowing from the concept of democracy. At this stage, we would refer to art 19(1) and (2) of the International Covenant of Civil and Political Rights which is as under:-

- (1) Everyone shall have the right to hold opinions without interference.
- (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

(6) Cumulative reading of plethora of decisions of this court as referred to, it is clear that if the field meant for legislature and executive is left unoccupied detrimental to the public interest, this court would have ample jurisdiction under art 32 read with arts 141 and 142 of the Constitution to issue necessary directions to the executive to subserve public interest.

Under our Constitution, Art 19(1)(a) provides for freedom of speech and expression. Voters' speech or expression in case of election would include casting of votes that is to say, voter speaks out or expresses by casting vote. For this purpose, information about the candidate to be selected is must. Voter's (little man-citizen's) right to know antecedents including criminal past of his candidate contesting election for MP or MLA is much more fundamental and basic for survival of democracy. The little man may think over before making his choice of electing law breakers as law makers.;

And whereas, the Hon'ble Supreme Court, by its aforesaid order dated 2nd May, 2002, had directed as follows:-

*The Election Commission is directed to call for information on affidavit by issuing necessary order in exercise of its power under art 324 of the Constitution of India from each candidate seeking election to Parliament or a state legislature as a necessary part of his nomination paper, furnishing therein, information on the following aspects in relation to his/her candidature:-

- (1) Whether the candidate is convicted/acquitted/ discharged of any criminal offence in the past-if any, whether he is punished with imprisonment or fine?
- (2) Prior to six months of filing of nomination, whether the candidate is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charge is framed or cognizance is taken by the court of law. If so, the details thereof.



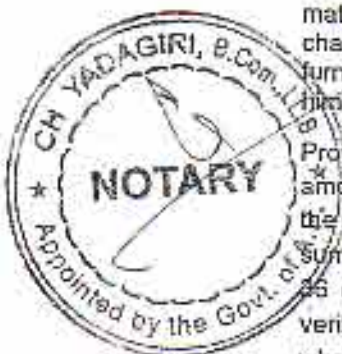
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- (3) The assets (immovable, movable, bank balances etc) of a candidate and of his/her spouse and that of dependants.
 - (4) Liabilities, if any, particularly whether there are any over dues of any public financial institution or government dues.
 - (5) The educational qualifications of the candidate."

4. And whereas, the Hon'ble Supreme Court, in its aforesaid order dated 2nd May, 2002, further observed that 'the Election Commission has from time to time issued instructions in order to meet with the situation where the field is unoccupied by the legislation' and had further directed that 'the norms and modalities to carry out and give effect to the aforesaid directions should be drawn up properly by the Election Commission as early as possible and in any case within two months';

5. And whereas, the Election Commission had, in pursuance of the above referred Judgement and Order dated 2nd May, 2002 of the Hon'ble Supreme Court and in exercise of the powers, conferred on it by Article 324 of the Constitution, directed by an Order dated 28th June, 2002, inter alia, in para 14 of the said Order as follows:-

- (1) Every candidate at the time of filing his nomination paper for any election to the Council of States, House of the People, Legislative Assembly of a State or the Legislative Council of a State having such a council, shall furnish full and complete information in regard to all the five matters, specified by the Hon'ble Supreme Court and quoted in para 5 above (reproduced in para 3 herein), in an affidavit, the format whereof is annexed hereto as Annexure-1 to this order.
- (2) The said affidavit by each candidate shall be duly sworn before a Magistrate of the First Class or a Notary Public or a Commissioner of Oaths appointed by the High Court of the State concerned.
- (3) Non-furnishing of the affidavit by any candidate shall be considered to be violation of the order of the Hon'ble Supreme Court and the nomination of the candidate concerned shall be liable to rejection by the returning officer at the time of scrutiny of nominations for such non-furnishing of the affidavit.
- (4) Furnishing of any wrong or incomplete information or suppression of any material information by any candidate in or from the said affidavit may also result in the rejection of his nomination paper where such wrong or incomplete information or suppression of material information is considered by the returning officer to be a defect of substantial character, apart from inviting penal consequences under the Indian Penal Code for furnishing wrong information to a public servant or suppression of material facts before

Provided that only such information shall be considered to be wrong or incomplete or amounting to suppression of material information as is capable of easy verification by the returning officer by reference to documentary proof adduced before him in the summary inquiry conducted by him at the time of scrutiny of nominations under section 26 (2) of the Representation of the People Act 1951, and only the information so verified shall be taken into account by him for further consideration of the question whether the same is a defect of substantial character.



(5) The information so furnished by each candidate in the aforesaid affidavit shall be disseminated by the respective returning officers by displaying a copy of the affidavit on the notice board of his office and also by making the copies thereof available free and liberally to all other candidates and the representatives of the print and electronic media.

(6) If any rival candidate furnishes information to the contrary, by means of a duly sworn affidavit, then such affidavit of the rival candidate shall also be disseminated along with the affidavit of the candidate concerned in the manner directed above.;

6. And whereas, the President of India promulgated the Representation of People (Amendment) Ordinance, 2002 (No.4 of 2002) on the 24th August, 2002 further to amend the Representation of the People Act, 1951 inserting Sections 33A and 33B and 126A and amending Section 169 of the Representation of the People Act, 1951;

7. And whereas, by virtue of Section 33B of the said Ordinance, the Order of the Election Commission dated the 28th June, 2002, was rendered ineffective and the said Section 33B read as under:-

"Section 33B.- Notwithstanding anything contained in any judgement, decree or order of any court or any direction, order or any other instruction issued by the Election Commission, no candidate shall be liable to disclose or furnish any such information, in respect of his election, which is not required to be disclosed or furnished under this Act or the rules made thereunder.;"

8. And whereas, the Government of India by notification dated 3rd September, 2002 amended the Conduct of the Elections Rules, 1961 to give effect to the said Ordinance;

9. And whereas, the Association for Democratic Reforms, People's Union for Civil Liberties, and People's Union for the Protection of Democracy, filed three separate writ petitions before the Hon'ble Supreme Court of India challenging the constitutional validity of the Presidential Ordinance dated 24th August, 2002;

10. And whereas, the by Notification dated the 28th December, 2002, the Representation of the People Act, 1951 was amended by the Representation of the People (Third Amendment) Act, 2002 which substituted the aforesaid Ordinance dated 24th August, 2002;

11. And whereas, the said petitioners filed applications to treat the said writ petitions as challenging the constitutional validity of the Representation of the People (Third Amendment) Act, 2002;

12. And whereas, the Hon'ble Supreme Court in its order/judgement, dated the 13th March, 2003 declared Section 33B of the Amended Act as illegal, null and void;

13. And whereas, the following directions were issued in the Judgement of Hon'ble Mr. Justice P.V. Reddi, which was concurred by Mr. Justice D.M. Dharmadhikari:-

5. The right to information provided for by the Parliament under Section 33A in regard to the pending criminal cases and past involvement in such cases is reasonably adequate to safeguard the right to information vested in the voter/citizen. However, there is no good reason for excluding the pending cases in which cognizance has been taken by Court from the ambit of disclosure.



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9. The Election Commission has to issue revised instructions to ensure implementation of Section 33A subject to what is laid down in this judgement regarding the cases in which cognizance has been taken. The Election Commission's orders related to disclosure of assets and liabilities will still hold good and continue to be operative. However, direction No.4 of para 14 insofar as verification of assets and liabilities by means of summary enquiry and rejection of nomination paper on the ground of furnishing wrong information or suppressing material information should not be enforced."

14. And whereas, the Judgement of Hon'ble Mr. Justice M.B. Shah, also held that Section 33B was illegal, null and void and further that the Election Commission would be required to revise its instructions in the light of the directions therein as under:-

"It is true that the aforesaid directions issued by the Election Commission is not under challenge but at the same time Prima facie it appears that the Election Commission is required to revise its instructions in the light of directions issued in Association for Democratic Reforms case (supra) and as provided under the Representation of the People Act and its 3rd Amendment."

15. And whereas, by virtue of the Judgement dated the 13th March, 2003 of the Supreme Court declaring Section 33B of the Representation of the People Act, 1951 to be illegal, null and void, the earlier instructions of the Election Commission dated 28th June, 2002 would continue to be operative subject to the aforementioned directions of the Supreme Court, and are therefore required to be revised and reissued;

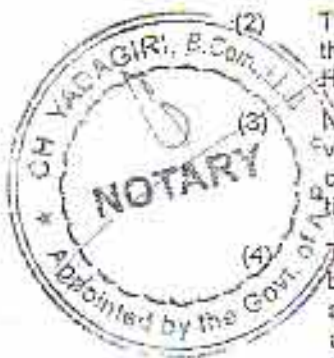
16. Now, therefore, the Election Commission, in pursuance of the above referred order dated 13th March, 2003, of the Hon'ble Supreme Court and in exercise of the powers, conferred on it by Article 324 of the Constitution, of superintendence, direction and control, inter alia, of conduct of elections to Parliament and State Legislatures, hereby issues, in supersession of its earlier order dated 28th June, 2002, its revised directions as follows:-

(1) Every candidate at the time of filing his nomination paper for any election to the Council of States, House of the People, Legislative Assembly of a State or the Legislative Council of a State having such a council, shall furnish full and complete information in regard to the matters specified by the Hon'ble Supreme Court and quoted in paras 13 and 14 above, in an affidavit, the format whereof is annexed hereto as Annexure-1 to this order.

(2) The said affidavit by each candidate shall be duly sworn before a Magistrate of the First Class or a Notary Public or a Commissioner of Oaths appointed by the High Court of the State concerned.

(3) Non-furnishing of the affidavit by any candidate shall be considered to be violation of the order of the Hon'ble Supreme Court and the nomination of the candidate concerned shall be liable to rejection by the returning officer at the time of scrutiny of nominations for such non-furnishing of the affidavit.

(4) The information so furnished by each candidate in the aforesaid affidavit shall be disseminated by the respective returning officers by displaying a copy of the affidavit on the notice board of his office and also by making the copies thereof available freely and liberally to all other candidates and the representatives of the print and electronic media.



- (5) If any rival candidate furnishes information to the contrary, by means of a duly sworn affidavit, then such affidavit of the rival candidate shall also be disseminated along with the affidavit of the candidate concerned in the manner directed above.
- 17. For the removal of doubt, it is hereby clarified that the earlier direction contained in para 14 (4) of the earlier order dated 26th June, 2002, in so far as verification of assets and liabilities by means of summary enquiry and rejection of nomination paper on the ground of furnishing wrong information or suppressing material information is not enforceable in pursuance of the order dated 13th March, 2003 of the Apex Court. It is further clarified that apart from the affidavit in Annexure-1 hereto referred to in para 16 (1) above, the candidate shall have to comply with all the other requirements as spelt out in the Representation of the People Act, 1951, as amended by the Representation of the People (Third Amendment) Act, 2002, and the Conduct of Elections Rules, 1951, as amended by the Conduct of Elections (Amendment) Rules, 2002.
- 18. In so far as elections to the Legislative Assembly and Legislative Council of the State of Jammu and Kashmir are concerned, the directions of the Election Commission contained in the preceding para 16 shall be deemed to have been issued under the provisions of section 135 of the Constitution of Jammu and Kashmir which are akin to Article 324 (1) of the Constitution of India and vest the superintendence, direction and control of the conduct of all elections to either House of the Legislature of that State in the Election Commission.
- 19. All Returning Officers shall ensure that the copies of affidavit prescribed herein by the Commission shall be delivered to the candidates along with the forms of nomination papers as part of the nomination paper.

DEPONENT

ATTESTED



CH. YADU GIRI
 B. Com., LL.B.
 ADVOCATE & NOTARY
 MACHA BOLARAM
 RANGA REDDY DIST
 A.P. INDIA

ENTERED IN DEE REGISTER
 Serial No. Di. Sig.



ఆంధ్రప్రదేశ్ రాష్ట్రం ఆంధ్ర ప్రదేశ్ ANDHRA PRADESH

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373: 30.08.2019

K. NARSALAHA నర్సాలాహ కె. నర్సాలాహ

నర్సాలాహ

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FORM 26 (SEE RULE 4A)

AFFIDAVIT TO BE FURNISHED BY CANDIDATE ALONG WITH NOMINATION PAPER BEFORE THE RETURNING OFFICER For Election to Legislative Assembly From 037- NARSAPUR(DT) MEDAK-ASSEMBLY CONSTITUENCY.(DT) MEDAK STATE OF ANDHRA PRADESH

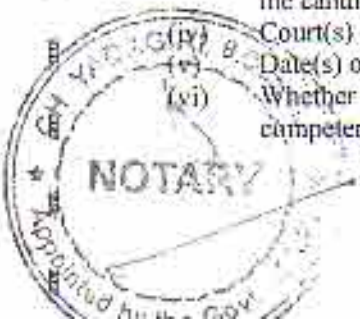
AFFIDAVIT

I, KANIGIRI LINGAM, son of K.NARSALAH, aged about 38 years, resident of H.No.3-57, KALLAKAL (V), TOOPRAN MANDAL, MEDAK DIST-502336. Candidate at the above election, do hereby solemnly affirm and state on oath us under:

1) I am not accused of any offence(s) punishable with imprisonment for two years or more in a pending case(s) in which a charge(s) has/have been framed by the Court(s) of competent jurisdiction

If the deponent is accused of any offence(s) he shall furnish the following information :

- (i) Case / First Information report No. / Nos. NOT APPLICABLE
- (ii) Police Station(s) : NOT APPLICABLE District(s) NOT APPLICABLE, State(s) NOT APPLICABLE
- (iii) Section(s) of the concerted Act(s) and short description of the offence(s) for which the candidate has been charged ; NOT APPLICABLE
- (iv) Court(s) which framed the charge(s) NOT APPLICABLE
- (v) Date(s) on which the charge(s) was/were framed ; NOT APPLICABLE
- (vi) Whether all or any of the proceedings(s) have been stayed by any court(s) of competent jurisdiction ; NOT APPLICABLE



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2) I have not been convicted of an offence(s) other than any offence(s) referred to sub-section (1) or sub-section (2), or covered in sub-section (3), in section 8 of the representation of the people Act, 1951 (43 of 1951) and sentenced to imprisonment for one year or more.

If the deponent is convicted and punished as aforesaid, he shall furnish the following information :

- (i) Case / First Information report No. / Nos. **NOT APPLICABLE**
- (ii) Court(s) which punished : **NOT APPLICABLE**
- (iii) Police Station(s) : **NOT APPLICABLE** District(s) **NOT APPLICABLE**.
State(s) **NOT APPLICABLE**
- (iv) Section(s) of the concerned Act(s) and short description of the offence(s) for which the candidate has been charged : **NOT APPLICABLE**
- (v) Date(s) on which the sentence(s) was/were pronounced : **NOT APPLICABLE**
- (vi) Whether the sentence(s) has / have been stayed by any court (s) of competent jurisdiction : **NOT APPLICABLE**

Place : Secunderabad.

Date : 29-03-2009


Signature of Deponent

VERIFICATION


I, the above named deponent, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therein.

Verified at Hyderabad this Twenty Ninth day of March 2009.


Signature of Deponent

ATTESTED




ADVOCATE & NOTARY
MACHA BOLARAM
RANGA REDDY DIST
A.P. INDIA

ENTERED IN DOS REGISTER

Serial No. 264/2009

भारतीय गैर न्यायिक

एक सौ रुपये

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ONE HUNDRED RUPEES



सत्यमेव जयते

भारत INDIA

INDIA NON JUDICIAL

ఆంధ్రప్రదేశ్ రాష్ట్రం ఆంధ్ర ప్రదేశ్ ANDHRA PRADESH

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ANNEXURE - I

AFFIDAVIT TO BE FURNISHED BY CANDIDATE ALONG WITH NOMINATION PAPER BEFORE THE RETURNING OFFICER. For Election to Legislative Assembly From 037- NARSAPUR(DT) MEDAK ASSEMBLY CONSTITUENCY (DT) MEDAK STATE OF ANDHRA PRADESH

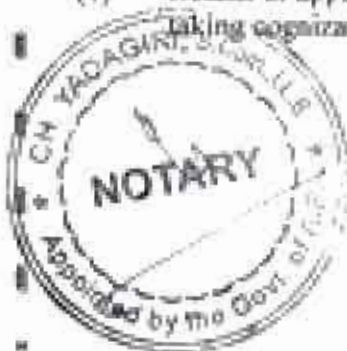
AFFIDAVIT

I, KANIGIRI LINGAM, son of K.NARSAIAH, aged about 38 years, resident of H.No.3-57, KALLAKAL (V), TOOPRAN MANDAL, MEDAK DIST-502336, Candidate at the above election, do hereby solemnly affirm and state on oath as under:

1. The following case(s) is / are pending against me in which cognizance has been taken by the Court:

- (i) Section of Act and description of the offence for which cognizance taken: NIL.
(ii) The court which has taken Cognizance : Not Applicable
(iii) Case No. : Not Applicable
(iv) Date of order of the Court taking cognizance: Not Applicable.
(v) Details of appeal(s) / application(s) for revision, etc, filed against above order taking cognizance : Not Applicable.

Contd 2.



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2. That I give herein below the details of the assets (immovable, movable, bank balance, etc.) of myself, my spouse and dependents* :

A. Details of Movable Assets:

(Assets in joint name indicating the extent of joint ownership will also have to be given)

| S.No | Description | Self | Spouse K.Indiramma | Dependent -1 Name: K.Jyothi- Student | Dependent- 2 Name: K.Tarun - Student | Dependent- 3 Name: K.Sarala - Student |
|-------|---|---|---|---|---|--|
| (i) | Cash | 10,000/- | NIL | NIL | NIL | NIL |
| (ii) | Deposits in Banks, Financial Institutions and Non-Banking Financial Companies | NIL | NIL | NIL | NIL | NIL |
| (iii) | Bonds, Debentures and Shares in Companies | NIL | NIL | NIL | NIL | NIL |
| (iv) | Other Financial instruments NSS, Postal Savings, LIC Policies, etc. | LIC Policy No. _____ Worth-Rs 3,00,000/- | LIC Policy No. _____ Worth Rs 2,00,000/- | NIL | NIL | NIL |
| (v) | Motor Vehicles (details of make, etc.) | Honda City Car Model 1998 Bearing Regn.No- AP 10 L 2835 Worth Rs 2,00,000/- | NIL | NIL | NIL | NIL |
| (vi) | Jewellery (give details of weight and value) | NIL | 40gram gold Worth Rs 65,000/- | NIL | NIL | NIL |
| (vii) | Other Assets, such as values of claims/interests | NIL | NIL | NIL | NIL | NIL |

Note:- Vale of Bonds / Shares / Debentures as per the latest market values in Stock Exchange in respect of listed companies and as per books in the case of non-listed companies should be given.

* Dependent here means a person substantially dependents on the income of the candidate.



(Handwritten Signature)

Details of Immovable Assets:

Note: Properties in joint ownership indicating the extent of joint ownership will also have to be indicated

| S.No | Description | Self | Spouse K.Indiramma | Dependent-1 Name: K.Jyothi- Student | Dependent-2 Name: K. Tarun Student | Dependent-3 Name: K. Sarala Student |
|-------|---|--|-----------------------|--|---|--|
| (i) | Agricultural Land - Location(s) - Survey Number(s) - Extent (Total measurement) - Current market value | (A) Sy.No. 128, total extent Ac.14- 00 guntas situated Gangaipully (v), Shivampet Mandal, Medak District (DT) - Rs.5,60,000/- @ Rs.40,000/- (rupees fifty lakhs) per acre. (B) Sy.No.256, Ac.3-00 guntas situated at Kallakal Village, Toopran Mandal, Medak District, Rs.3,60,000/- @ Rs.1,20,000/- per acre (C) Sy.No.167. . Ac.1-03 Guntas. situated at Imampur Village, Toopran Mandal, Medak District, Rs.50,000/- @ Rs.45,000/- per acre. | NIL | NIL | NIL | NIL |
| (ii) | Non-Agricultural Land - Location(s) - Survey Number(s) - Extent (Total measurement) - Current Market value | NIL | NIL | NIL | NIL | NIL |
| (iii) | Buildings (commercial and residential) - Location(s) - Survey / Door Number(s) - Extent (Total measurement) - Current market value | NIL | NIL | NIL | NIL | NIL |
| (iv) | Houses / Apartments, etc. - Location(s) - Survey / Door Number(s) - Extent / Total measurement) - Current market value | H.No.3-57, Kallakal(v), Toopra n Mandal, Medak (DIST)-502336, Total SQ 200 - Rs.1,50,000/- Rs.500/- per sq, | NIL | NIL | NIL | NIL |
| | | | | NIL | NIL | NIL |

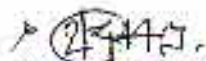
YADAGIRI & CO.
NOTARIES

I give herein below the details of my liabilities / over dues to Public Financial Institutions and Government dues: -

(Note: Please give separate details for each item)

| S.No. | Description | Name and address of Bank / Financial Institution, etc., (as applicable) | Amount Outstanding As on (date) |
|-------|-------------|---|--|
| (a) | (i) | Loans from Banks | NIL |
| | (ii) | Loans from Financial Institutions | NIL |
| | (iii) | Government dues: - | NIL |
| | (a) | Dues to departments dealing with Government accommodation | NIL |
| | (b) | Dues to departments dealing with supply of water | NIL |
| | (c) | Dues to Departments dealing with supply of electricity | NIL |
| | (d) | Dues to departments dealing with telephones | NIL |
| | (e) | Dues to departments dealing with government transport (including aircrafts and helicopters) | NIL |
| | (f) | Other dues if any | NIL |
| (b) | (i) | Income Tax including surcharge [(Also indicate the assessment year up to which Income Tax Return filed. Give also Permanent Account Number (PAN)] | I.T. FILED up to 2007 - 2008 PAN CARD NO. ACLPL3308D |
| | (ii) | Wealth Tax (Also indicate the assessment year upto which Wealth Tax return filed) | NIL |
| | (iii) | Sales Tax (Only in case of proprietary Business) | NIL |
| | (iv) | Property Tax | NIL |

4. My educational qualifications are as under: S.S.C


SIGNATURE OF DEPONENT

VERIFICATION

I, The above named deponent, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief. No part of the facts stated herein has been concealed therefrom.

Verified at HYDERABAD this Twenty Ninth day of March, 2009,

ATTESTED