‡gvKvg weÁ j¨vÛ mv‡f© UªvBeyb¨vj, Puv`cyi|

‡gvt bs- 232/2016Bs

j¨vÛ mv‡f©

‡gvt Ave`yj jwZd eKvDj -----ev`xcÿ|

ebvg

‡gvt byiæj Bmjvg Ms ----weev`xcÿ|

welq: **7-13bs weev`xc‡ÿ wjwLZ eY©bv**|

7-13bs weev`xc‡ÿ `iLv‡¯Í webxZ wb‡e`b GB †h,

1. ev`xc‡ÿi AÎ ‡gvKÏgv m¤ú~Y© wg\_¨v, f~qv, ZÂKZvg~jK, †hvMmvRwmK I ev¯Íe m‡Z¨i wecixZ e‡U|
2. ev`xc‡ÿi AÎ †gvKÏgv `v‡q‡ii †Kvb ‰ea KviY wK AwaKvi bvB ev wQj bv|
3. ev`xc‡ÿi AÎ †gvKÏgv eZ©gvb AvKv‡i I cÖKv‡i APj I Aiÿbxq e‡U|
4. ev`xc‡ÿi AÎ †gvKÏgv By the principle of estoppel waiver and acquiescence †`v‡l evwZj|
5. ev`xc‡ÿi AÎ ‡gvKÏgv Properly framed, constituted and stamped b‡n weavq mivmwi LvwiR †hvM¨ e‡U|
6. ev`xi cÖv\_©bv †gvZv‡eK AÎv`vjZ I \_vbv gZje `wÿ‡Yi GjvKvaxb 166bs fv½vicvo †gŠRvi wmt ‡gt 273bs LwZqv‡b †gvt 2.21 GKi f~wgi evwl©K LvRbv gs 3\. Avbv Rgvq 1& Avbv As‡k BDQzd Avjx miKvi gvwjK `LjxKvi nIqv I \_vKv wK, BDQzd Avjx miKvi gvwjK `LjxKvi nBqv I \_vwKqv gi‡b †`‡jvqvi †nv‡mb miKvi I wRbœZ Avjx miKvi‡K `yB cyÎ Iqvwik ivwLqv †M‡j Zvnvi BDQzd Avjx miKv‡ii Z¨vR¨ we‡Ë gvwjK `LjxKvi nIqv I \_vKv wK, Zvnv‡Z cÖ‡Z¨K cyÎ †gvt 1.05 GKi f~wg‡Z gvwjK `LjxKvi nIqv I \_vKv wK, †`‡jvqvi †nv‡mb bvwjkx †RvZ Rgvq ˆcwÎK Iqvwik m~‡Î gvwjK `LjxKvi nBqv I \_vwKqv Zvnvi gvwjK `Ljxq f~wg A›`‡i bvwjkx 1614 `v‡M †gvt .2250 GKi, 1620 `v‡M †gvt .2150 GKi, 1611 `v‡M †gvt .2450 GKi GKz‡b †gvt .6850 GKi f~wg jwb wgqv I Rqbvj Av‡e`x‡bi wbKU weMZ 20/10/1965Bs Zvwi‡Li †iwRtK…Z 4989bs QvdKejv `wjj g~‡j weµq Kwiqv `Lj Ac©Y Kwi‡j jwb wgqv Ms Zvnv‡Z gvwjK `LjxKvi nIqv I \_vKv wK, LwiÏvi jwb wgqv Ms Zvnv‡`i Lwi`v f~wg A›`‡i bvwjkx 1614 `v‡M †gvt .2250 GKi f~wg weMZ 14/03/1987Bs Zvwi‡Li †iwRtK…Z 2092bs QvdKejv `wjj g~‡j Ave`yj jwZd eKvDj, Avt gwZb eKvDj I Ave`yj Kv‡`i eKvD‡ji wbKU weµq Kwiqv `Lj Ac©Y Kwi‡j Avt jwZd eKvDj Ms Zvnv‡Z gvwjK `LjxKvi nIqv I \_vKv wK, Zvnv‡Z cÖ‡Z¨‡K †gvt .075 GKi f~wg‡Z gvwjK `LjxKvi nIqv I \_vKv wK, Ave`yj gwZb, Ave`yj Kv‡`i Zvnv‡`i Lwi`v f~wg weMZ 14/08/03Bs Zvwi‡Li †iwRtK…Z 4605bs QvdKejv `wjj g~‡j Avt jwZ‡di wbKU weµq Kwiqv `Lj Ac©Y Kwi‡j Ave`yj jwZd bvwjkx 1614 `v‡M †gvt .2250 GKi f~wg‡Z gvwjK `LjxKvi nIqv I \_vKv wK, Avt jwZd Zvnvi Lwi`v 1614 `v‡Mi .2250 GKi f~wg Av›`‡i †gvt .04 GKi f~wg weMZ ............Bs Zvwi‡Li †iwRtK…Z ............bs wewbgq `wjj g~‡j nhiZ Avjxi mv‡\_ wewbgq Kwiqv w`qv nhiZ Avjx nB‡Z 1611 `v‡M †gvt .06 GKi f~wg cÖvß nIqv wK, wRbœZ Avjx miKvi gi‡b wgRvbyi ingvb, †gv¯Ídv miKvi‡K `yB cyÎ Iqvwik ivwLqv †M‡j Zvnviv wRbœZ Avjx miKv‡ii Z¨vR¨ we‡Ë gvwjK `LjxKvi nIqv I \_vKv wK, ewY©Z wgRvbyi ingvb I †gv¯Ídv miKvi bvwjkx †RvZ Rgvq ˆcwÎK Iqvwik m~‡Î gvwjK `LjxKvi nBqv I \_vwKqv Zvnv‡`i gvwjK `Ljxq f~wg Av›`‡i bvwjkx 1611 `v‡M .0350 GKi fywg weMZ 21/12/2002Bs Zvwi‡Li †iwRtK…Z 7086bs QvdKejv `wjj g~‡j Avt jwZd eKvD‡ji wbKU weµq Kwiqv `Lj Ac©Y Kwi‡j Avt jwZd eKvDj Zvnv‡Z gvwjK `LjxKvi nIqv I \_vKv wK, LwiÏvi jwb wgqv Zvnvi Lwi`v 1611 `v‡Mi f~wg nB‡Z †gvt .0450 GKi f~wg weMZ 18/03/1998Bs Zvwi‡Li †iwRw÷ªK…Z 1517bs QvdKejv `wjj g~‡j Avt jwZd eKvD‡ji wbKU weµq Kwiqv `Lj Ac©Y Kwi‡j Avt jwZd eKvDj Zvnv‡Z gvwjK `LjxKvi nIqv I \_vKv wK, ev`x Avt jwZd eKvDj bvwjkx 1611 `v‡M †gvt .14GKi f~wg Ges bvwjkx 1614 `v‡M †gvt .19 GKi f~wg‡Z gvwjK `LjxKvi nIqv I \_vKv wK, nvj Rwic PjvKvjxb mg‡q RwicKvix Kg©PvixMY ev`x Avt jwZd 1611 `v‡M †gvt .14 GKi f~wg‡Z gvwjK `LjxKvi nIqv I \_vKv ¯^‡Z¡I ev`xi bvgxq we.Gm. 283bs LwZqv‡b mv‡eK 1611 `v‡M †gvt .08 GKi f~wg ‡iKW© wjwc Kiv wK D³ m¤ú~Y© wg\_¨v, ev‡bvqvwU I miRwg‡bi wecixZ e‡U Ges Reve`vbKvix weev`xMY mivmwi A¯^xKvi K‡i|
7. cÖK…Z K\_v wb¤œiƒc:- mv‡eK †Rjv wÎcyiv cieZx©‡Z Kzwgjøv nv‡j Puv`cyi Gi AšÍM©Z gZje `wÿY Dc‡Rjvaxb mv‡eK 166bs fv½vicvo †gŠRvi wm.Gm. 273bs LwZqvbfz³ 1& Avbv 2.21 GKi f~wg‡Z BDQzd Avjx miKvi †gŠwLK e‡›`ve¯Í g~‡j gvwjK `LjKvi nq I \_v‡K| D³ fv‡e bvwjkx BDQzd Avjx miKvi gvwjK `LjxKvi \_vwKqv g„Zz¨Kv‡j wRbœZ Avjx miKvi mn 02 cyÎ I KzjQzgv wewe I AvwQqv LvZzb‡K 02 Kb¨v Iqvwik ivwLqv g„Zz¨eiY Kwi‡j cÖ‡Z¨K cyÎ .7366 GKi, cÖ‡Z¨K Kb¨v .3683 GKi f~wg‡Z gvwjK `LjKvi nq I \_v‡K| wm.Gm. †iKW©xq cÖRvi Iqvwik I K‡ZK LwiÏvi Gi bv‡g Gm.G. Rwicx Avg‡j 291bs LwZqvb cÖKvwkZ I cÖPvwiZ nq|
8. cÖvKewY©Z g‡Z BDQzd Avjxi Iqvwik m~‡Î AvwQqv LvZzb †gvt .3683 GKi f~wg‡Z gvwjK `LjKvi \_vKve¯’vq g„Zz¨Kv‡j ¯^vgx BmgvBj Ges 1 cyÎ IQgvb MwY‡K Iqvwik ivwLqv hvq| Z`ve¯’vq ¯^vgx BmgvBj miKvi Ges cyÎ IQgvb MwY †gvt .3683 GKi f~wg‡Z gvwjK `LjKvi nq I \_v‡K| BmgvBj miKvi cvwievwiK Av‡cvl wPwýZ e›Ub g‡Z bvwjkx I †e-bvwjkx `v‡Mi niY c~iY Kwiqv bwjkx Rgvq weMZ 28/07/1953Bs Zvwi‡Li 5966bs QvdKejv `wjj g~‡j ReŸvi cvUIqvix wbKU bvwjkx 1614 `v‡M .06 GKi f~wg weµq K‡i `Lj Ac©Y K‡ib| Z`ve¯’vq ReŸvi cvUIqvix µq m~‡Î .06 GKi f~wg‡Z gvwjK `LjKvi \_vKve¯’vq bM` UvKvi Avek¨KZvq weMZ 06/12/1965Bs Zvwi‡Li 5585bs QvcKejv `wjj g~‡j bvwjkx `v‡M †gvt .06 GKi f~wg iÄb Avjxi wbKU weµq K‡i `Lj Ac©b K‡ib| Z`ve¯’vq iÄb Avjx D³ †gvt .06 GKi f~wg‡Z gvwjK `LjKvi nq I \_v‡Kb| cieZx©‡Z D³ iÄb Avjx cvwievwiK Av‡cvl e›U‡b †e-bvwjkx Aci m¤úwËi GIqv‡P Zvnvi fvwZRv †gvt wmivRyj Bmjvg eKvDj‡K n¯ÍvšÍi Kwiqv D³ f~wg nB‡Z wbt¯^Z¡evb nBqv hvq| Zr mgq nB‡Z D³ †gvt wmivRyj Bmjvg ewY©Z .06 GKi f~wg †fvM `Lj Kwiqv Avwm‡Z \_v‡K I i‡n| wm.Gm. U¨v‡b›U BDmyd Avjx miKv‡ii Aci Kb¨v KzjQzgv wewe ˆcwÎK Iqvwik m~‡Î bvwjkx Rgvq .3683 GKi f~wg‡Z gvwjK `LjKvi \_vKve¯’vq g„Zz¨Kv‡j †jvd‡Z Avjx †gvjøv‡K ¯^vgx I byiRvnvb‡K 01 Kb¨v Iqvwik we`¨gv‡b ci‡jvK MgY K‡i| D³ KzjQzgv wewei IqvwikMY bM` UvKvi Avek¨KZvq weMZ 14/07/1959Bs Zvwi‡Li 3214bs QvdKejv `wjj g~‡j bvwjkx `v‡M †gvt .0350 GKi f~wg Avt ReŸvi cvUIqvixi wbKU weµq Kwiqv `Lj Ac©Y K‡ib| Z`ve¯’vq Avt ReŸvi cvUIqvix µq m~‡Î bvwjkx `v‡M .0350 GKi f~wg‡Z gwjK `LjKvi \_vKve¯’vq weMZ 01/09/1965Bs Zvwi‡Li †iwRtK…Z 4110bs QvdKejv `wjj g~‡j †gvt wmivRyj Bmjvg eKvD‡ji wbKU D³ ‡gvt .0350 GKi f~wg weµq Kwiqv `Ljvc©b Kwiqv w`‡j D³ wmivRyj Bmjvg eKvDj D³ f~wg‡Z gvwjK `LjxKvi nq I \_v‡K| D³ `wj‡ji wKQz fzj \_vKvq Zvnv cieZx©‡Z †NvlYv g~jK ms‡kvab Kiv nq| hvnv weMZ 06/12/1965Bs Zvwi‡L †iwRtK…Z 5584bs `wjj wnmv‡e †iwRtfz³ nq|

wm.Gm. †U‡b›U BDmyd Avjx miKv‡ii Iqvwik m~‡Î cyÎ wRbœZ Avjx miKvi gvwjK `LjKvi \_vKve¯’vq weMZ 18/12/1973Bs Zvwi‡Li †iwRtK…Z 6101bs QvdKejv `wjj g~‡j nhiZ Avjx eKvD‡ji wbKU bvwjkx `v‡M †gvt .0250 GKi f~wg weµq K‡i `Lj Ac©Y K‡ib| wmivRyj Bmjvg eKvDj weMZ 23/11/1979Bs Zvwi‡Li †iwRtK…Z wewbgq `wjj g~‡j bvwjkx mv‡eK 1614 `v‡M .0250 GKi f~wg D³ nhiZ Avjx eKvDj nB‡Z GIqvR bvgv `wjj g~‡j cÖvß nBqv gvwjK `LjxKvi nq I \_v‡K|

1. Bnv QvovI wm.Gm. U¨v‡b›U BDmyd Avjx miKv‡ii Aci Kb¨v KzjQzgv wewei Iqvwik †jvd‡Z Avjx Ms nB‡Z weMZ 14/07/1959Bs Zvwi‡L †iwRtK…Z 3214bs QvdKejv `wjj g~‡j ‡gvt .30 GKi f~wg Avt ReŸi cvUIqvix Lwi` Kwiqv gvwjK `LjKvi nq I \_v‡K| GB weev`xM‡Yi c~e©eZx© †gvt wmivRyj Bmjvg eKvDj weMZ 06/12/1965Bs Zvwi‡L †iwRtK…Z 5584bs QvdKejv `wjj g~‡j bvwjkx mv‡eK 1611 `v‡M †gvt .05 GKi, 1614 `v‡M †gvt .0350 GKi Ges †ebvwjkx 1565 `v‡M †gvt .03 GKi, 1620 `v‡M †gvt .0350 GKi I 1532 `v‡M †gvt .04 GKi GKz‡b †gvt .19 GKi Ges †ebvwjkx wm.Gm. 344bs LwZqv‡b †gvt .04 GKi Ges wm.Gm. 131bs LwZqv‡b †gvt .07 GKi GKz‡b †gvt .30 GKi, iÄb Avjx, nhiZ Avjx Ges †gvt wmivRyj Bmjvg eKvDj Lwi` Kwiqv gvwjK `LjKvi nq I \_v‡K| Z`ve¯’vq cÖ‡Z¨‡K As‡k †gvt .10 GKi f~wg cÖvß nBqv gvwjK `LjKvi nq I \_v‡K| D³ wmivRyj Bmjvg eKvDj bvwjkx 1611 `v‡M †gvt .05 GKi, 1614 `v‡M †gvt .0350 GKi Ges †ebvwjkx `v‡M †gvt .0150 GKi GKz‡b †gvt .10 GKi f~wg cÖvß nBqv gvwjK `LjKvi nq I \_v‡K|
2. ewY©Z g‡Z wm.Gm. †iK‡W©W †U‡b›U BDQzd Avjxi Iqvwik AvwQqv LvZz‡bi g„Zz¨‡Z Zvnvi ¯^vgx BmgvBj miKvi weMZ 28/07/1953Bs Zvwi‡Li †iwRtK…Z 5966bs QvdKejv `wjj g~‡j Avt ReŸvi cvUIqvixi wbKU 1611 `v‡M .0450 GKi f~wg weµq K‡i `Lj Ac©Y K‡i| Z`ve¯’vq D³ Avt ReŸvi cvUIqvix D³ .0450 GKi f~wg‡Z gvwjK \_vwKqv weMZ 06/12/1965Bs Zvwi‡Li †iwRtK…Z 5585bs QvdKejv `wjj g~‡j iÄb Avjxi wbKU weµq Kwiqv `Lj Ac©Y Kwiqv †`q| Z`ve¯’vq iÄb Avjx D³ 1611 `v‡M †gvt .0450 GKi f~wg‡Z gvwjK `LjKvi \_vKve¯’vq †gvt 0.02 GKi f~wg cvwievwiK Av‡cvl e›U‡b †e-bvwjkx Aci m¤úwËi GIqv‡R Zvnvi fvwZRv †gvt wmivRyj Bmjvg eKvDj‡K n¯ÍvšÍi Kwiqv D³ f~wg nB‡Z wbt¯^Z¡evb nBqv hvq| Zr mgq nB‡Z D³ †gvt wmivRyj Bmjvg 1611 `v‡M .02 GKi f~wg †fvM `Lj Kwiqv Avwm‡Z \_v‡K I i‡n|
3. GB weev`xM‡Yi c~e©eZx© wmivRyj Bmjvg eKvDj weMZ 06/12/1965Bs Zvwi‡Li 5584bs QvdKejv `wjj g~‡j Av‡cvl wPwýZ e›Ub g‡Z `wj‡ji 1g ZcwQ‡j D‡jøwLZ bvwjkx mv‡eK 1614 `v‡M .0350 GKi Ges mv‡eK 1611 `v‡M .05 GKi Ges H Zvwi‡L †iwRtK…Z QvdKejv `wjj g~‡j Av‡cvl wPwýZ e›Ub g‡Z bvwjkx mv‡eK 1614 `v‡M .06 GKi Ges mv‡eK 1611 `v‡M .02 GKi f~wgi `Lj cvB‡j 1611 `v‡M Lwi` m~‡Î (.05 + .02) = .07 GKi Ges mv‡eK 1614 `v‡M Lwi` m~‡Î (.06 + .0350 + .0250) = .12 GKi f~wg‡Z gvwjK `LjKvi \_vwKqv †Rv‡Zi Acivci weev`xMY‡K †ebvwjkx mv‡eK 1565, 1620, 1832 `v‡M niY c~iY Kwiqv A`¨vewa †fvM `L‡j Av‡Q| BnvQvov ewb©Z wmivRyj Bmjvg eKvDj bvwjkx 1614 nv‡j 3059 `v‡M .0250 GKi f~wg we.Gm. 902bs LwZqv‡bi gvwjK nhiZ Avjx nB‡Z weMZ 23/11/1979Bs Zvwi‡Li 6466bs wewbgq `wjj g~‡j mv‡eK 1614 `v‡M 11 kZvsk f~wg Ges mv‡eK 1611 `v‡M nv‡j 3058 `v‡M 07 kZvsk f~wg †fvM `LjxKvi \_vKve¯’vq Zvnvi bv‡g bvwjkx we.Gm. 858bs LwZqv‡b †iKW©fz³ I cÖPvwiZ nq| ev`xcÿ bvwjkx f~wg‡Z KLbB †fvM `L‡j wQj bv wKsev \_vKvi ‡Kvb KviYI bvB|
4. ev`xM‡Yi gvwjKxq ‡Kvb f~wg Reve`vbKvix weev`xM‡Yi bv‡g bvwjkx LwZqv‡b †iKW© nq bvB| weev`xMY bvwjkx f~wg‡Z Lwi` Kivi ci nB‡Z GjvKvi mK‡ji Ávb‡MvPi g‡Z kvwšÍc~Y© fv‡e †fvM `L‡j Av‡Q| ev`xM‡Yi f~wg bvwjkx Rgvi Ab¨ †Kvb e¨w³i bv‡g †iKW© nq hvvnv ev`x Abyaveb Kwi‡Z bv cvwiqv weev`xM‡Yi bv‡g Test suit wnmv‡e `v‡qi Kwiqv‡Q gvÎ| Dc‡iv³ Ae¯’v I KviYvax‡b b¨vq wePv‡ii ¯^v‡\_© Reve`vbKvix weev`xM‡Yi mwnZ †gvKÏgv mivmwi fv‡e wWwmwgm nB‡e|
5. eµx wbhy³xq weÁ †KŠïjx KZ…©K evPwbK wb‡ew`Z nB‡e|

‡mg‡Z webxZ cÖv\_©bv, Dc‡iv³ Ae¯’v I KviYvax‡b b¨vq wePv‡ii ¯^v‡\_© ev`xi wg\_¨v †gvKÏgv ÿwZ LiP mn wWmwg‡mi Av‡`k `v‡b mywePvi Kwi‡Z ûRy‡ii gwR© nq| BwZ Zvs-

mZ¨cvV

AÎ eY©bv/Rev‡ei hr hveZxq weeiY Avgvi Ávb I wek¦vmg‡Z mZ¨| AÎ mZ¨Zvq wb‡¤œ wbR bvg ¯^vÿi Kwijvg|