

D.R.(M)

Ref: 96

40
2.2.12

May kindly see the letter, placed below at flag 'A', received from Sri Aniruddha Kumar Tiwari, Additional Chief Judicial Magistrate, Varanasi regarding grant of permission to purchase immovable property i.e. a plot at Lucknow.

In his letter, Sri Tiwari has stated that he wants to purchase a plot measuring 300 sq. meters for residential purpose in Vrindavan Scheme, developed by Awas Vikas Parishad, Lucknow. The owner of the plot is one Sri Sita Ram Pandey, S/o Late Sri Harivansh Pandey, R/o R-11/19, Rajnagar, Ghaziabad, who is ready to sell the same to him for Rs. 35,00,000/-, which is reasonable market price. All details regarding purchase of plot is being given by him on prescribed proforma, as required under Courts Circular Letter No. 25/ Admin (A) dated 13.07.1998. He has, therefore, requested for grant of permission to purchase the plot.

The information regarding transaction of the plot, as required under Courts Circular Letter No. 25/ Admin (A) dated 13.07.1998 as furnished by the officer is given below: -

1	Date of joining service	20.12.2003
2	Present Gross Salary Take home Salary	Rs. 42,610/- (appears Basic pay), Rs. 73,451/- (Gross pay)
3	Details of purchases (Moveable property exceeding to value of Rs. 10,000/- and immovable property) made by the officer earlier	1. Maruti Zen car for Rs. 3,85,000/- in the year 2006. 2. Kelvinator Fridge for Rs. 11,290/- in the year 2005. Note-Information about purchase of car is at flag 'B'.
4	Details of Advance or Loan taken from the High Court.	Nil
5	Details of loan taken from Bank etc	Car loan of Rs. 3,85,000/- was taken in 2006, for which 11 EMLs. of Rs. 6,100/- is remain to repay.
4	Details regarding purchase of second hand car.	N.A.
7	(c) Details of the property proposed to be purchased	Plot no. 24, sector no. 11, measuring 300 sq. m., Vrindavan Residential Scheme, Lucknow.
	b) Cost price	Rs. 35,00,000/-
8	Name and address of the seller(s).	Sri Sita Ram Pandey, S/o Late Sri Harivansh Pandey, R/o- R 11/19, Rajnagar, Ghaziabad, U.P. (Consent letter is at flag 'X').
	Status of the Seller /Dealer	Private Person
10	Whether the seller is related to the officer in any manner and whether any case against him is pending/decided by the officer.	No
11	Details of source of amount	1. Rs. 1,00,000/- has been paid through cheque no. 694577 from his savings A/c no. 10907028456, S.B.I, Varanasi as advance money. 2. Rs. 34,00,000/- is stated to be taken as Housing loan from S.B.I, Varanasi. Note: The officer has not submitted any paper relating to bank loan which he wants to take. As such it is not on record as to what is the tenure of the bank loan, and what amount will be fixed as E.M.I.

It is submitted that as per Rule- 24 (1) of U.P. Government Servant's conduct Rules 1956: -

"No Government servant shall, except with the previous knowledge of the

..contd..2,...

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appropriate authority acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family;

Provided that any such transaction conducted otherwise than through a regular & reputed dealer shall require the previous sanction of the appropriate authority."

A

May, therefore, if approved, the file be laid before Hon'ble Mr. Justice Sanjay Misra for His Lordship's kind perusal and order that Sri Aniruddha Kumar Tiwari, Additional Chief Judicial Magistrate, Varanasi be accorded permission to purchase plot no. 24, sector 11, Vrindavan Residential Scheme, Lucknow, measuring 300 sq. m., for Rs. 35,00,000/-, as requested, subject to the condition that the relevant papers of the transaction alongwith copy of the sale deed be furnished by him immediately on completion of the transaction?

Handwritten signatures and dates: 02.02.12, 02-2-12, 02-2-12, A-R

Registrar (Budget)

Submitted for kind perusal and onward submission before Hon'ble Mr. Justice Sanjay Misra for His Lordship's kind perusal and orders as proposed at 'A' above.

Handwritten signature and date: 2.2.12, DRC(M)

Hon'ble Mr. Justice Sanjay Misra

Submitted for kind perusal and orders

Handwritten signature and date: 07.2.12, Registrar (Budget)

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D.R.(M)

Ref-96
Fresh Note
40
8/2/12

May kindly see the letters, placed below at flags 'A' & 'A-1', received from Sri Aniruddha Kumar Tiwari, Additional Chief Judicial Magistrate, Varanasi regarding grant of permission to purchase immovable property i.e. a plot at Lucknow.

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17/02/12
In his letter at flag 'A', Sri Tiwari has stated that he wants to purchase a plot measuring 300 sq. meters for residential purpose in Vrindavan Scheme, developed by Awas Vikas Parishad, Lucknow. The owner of the plot is one Sri Sita Ram Pandey, S/o Late Sri Harivansh Pandey, R/o R-11/19, Rajnagar, Ghaziabad, who is ready to sell the same to him for Rs. 35,00,000/-, which is reasonable market price. All details regarding purchase of plot is being given by him on prescribed proforma, as required under Courts Circular Letter No. 25/ Admin (A) dated 13.07.1998. He has, therefore, requested for grant of permission to purchase the plot.

By his supplementary letter at flag 'A-1', Sri Tiwari has also submitted that his present gross salary is Rs. 76,684/-, deduction is Rs. 9,400/- and E.M.I. on housing loan is Rs. 32,397/-, left amount is Rs. 34,887/-. He has also made clear that E.M.I. of his car loan is Rs.6,100/- and a total of Rs.29,000/- is left against car loan, which shall be fully paid before sanctioning loan from bank. He has also furnished bank sanction letter of home loan, which may kindly be seen at flag 'Y'. The amount of loan sanctioned is Rs. 29,30,795/-, repayment of which is fixed for 180 months for Rs. 32,397/- monthly.

The information regarding transaction of the plot, as required under Courts Circular Letter No. 25/ Admin (A) dated 13.07.1998 as furnished by the officer is given below: -

1	Date of joining service	20.12.2003
2	Present Gross Salary Take home Salary	Rs. 76,684/- Rs. 67,284/- (after deductions to the tune of Rs. 9,400/-)
3	Details of purchases (Moveable property exceeding to value of Rs. 10,000/- and immovable property) made by the officer earlier	1. Maruti Zen car for Rs. 3,85,000/- in the year 2006. 2. Kelvinator Fridge for Rs. 11,290/- in the year 2005. Note-Information about purchase of car is at flag 'B'.
4	Details of Advance or Loan taken from the High Court.	Nil
5	Details of loan taken from Bank etc	Car loan of Rs. 3,85,000/- was taken in 2006. EMI- Rs. 6,100/- Rs. 29,000/- is remain to repay.
4	Details regarding purchase of second hand car.	N.A.
7	(c) Details of the property proposed to be purchased	Plot no. 24, sector no. 11, measuring 300 sq. m., Vrindavan Residential Scheme, Lucknow.
	b) Cost price	Rs. 35,00,000/-
8	Name and address of the seller(s).	Sri Sita Ram Pandey, S/o Late Sri Harivansh Pandey, R/o- R 11/19, Rajnagar, Ghaziabad, U.P.
	Status of the Seller /Dealer	Private Person
10	Whether the seller is related to the officer in any manner and whether any case against him is pending/decided by the officer.	No

11	Details of source of amount	<p>1. Rs. 1,00,000/- has been paid through cheque no. 694577 from his savings A/c no. 10907028456, S.B.I, Varanasi as advance money.</p> <p>2. Rs. 29,30,795/- has been sanctioned as Home loan from S.B.I, Varanasi (Sanction letter at flag 'Y').</p> <p>Note: For rest of the payment i.e. Rs. 4,69,205/-, nothing has been stated.</p>
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Ref-96

It is submitted that as per Rule- 24 (1) of U.P. Government Servant's conduct Rules 1956: -

"No Government servant shall, except with the previous knowledge of the appropriate authority acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family;

Provided that any such transaction conducted otherwise than through a regular & reputed dealer shall require the previous sanction of the appropriate authority."

May, therefore, if approved, the file be laid before Hon'ble Mr. Justice Sanjay Misra for His Lordship's kind perusal and order that Sri Aniruddha Kumar Tiwari, Additional Chief Judicial Magistrate, Varanasi be accorded permission to purchase plot no. 24, sector 11, Vrindavan Residential Scheme, Lucknow, measuring 300 sq. m., for Rs. 35,00,000/-, as requested, subject to the condition that the relevant papers of the transaction alongwith copy of the sale deed be furnished by him immediately on completion of the transaction?

Dr. Jain
08.02.12

Dr. Saini
08.02.12

Dr. ...
8-2-12
AR

Obtain source of payment of amounts other than the loan amount
M
14/02/2012
Judge
Nominated by Hon. C.J.

Registrar (Budget)

Submitted for kind perusal and onward submission before Hon'ble Mr. Justice Sanjay Misra for His Lordship's kind perusal and orders as proposed at 'A' above.

D. R. (Misc.)
08.02.12

DR (M)

Rej (B)
14.2.12

Hon'ble Mr. Justice Sanjay Misra

Submitted for kind perusal and orders

Registrar (Budget)
08.02.12

Sri (Adm A-1)

14.2.12

D.R (M)
14.02.12

Sri Aniruddha
16.2.12

178
178
D.R.(M)

Ref-96

66
29.2.12

May kindly see the letter, placed below at flag '1', received from Sri Aniruddha Kumar Tiwari, Addl. Chief Judicial Magistrate, Varanasi by which he has submitted supplementary information/ details in connection with grant of permission to purchase immovable property i.e. plot no. 24, Sector no. 11, measuring 300 sq. meters, Vrindavan Residential Scheme, Lucknow.

In this connection, it is submitted that the officer had applied through his letters dated 10.01.2012 & 08.02.2012 (flags 'A' & 'A-1' respectively) for grant of permission to purchase immovable property i.e. plot no. 24, Sector no. 11, measuring 300 sq. meters, Vrindavan Residential Scheme, Lucknow from one Sri Sita Ram Pandey, S/o Late Sri Harivansh Pandey, R/o- R 11/ 19, Rajnagar, Ghaziabad for Rs. 35,00,000/-, and accordingly the matter was submitted before Hon'ble Mr. Justice Sanjay Misra, vide a detailed office note dated 08.02.2012 (flagged '2'), with the remark that as stated by the officer, he has paid Rs. 1,00,000/- has been paid through cheque no. 694577 from his savings A/c no. 10907028456, S.B.I, Varanasi as advance money and Rs. 29,30,795/- has been sanctioned as Home loan from S.B.I, Varanasi. But for rest of the payment i.e. Rs. 4,69,205/-, nothing has been stated by the officer.

On the office note dated 08.02.2012, His Lordship has been pleased to pass an order dated 14.02.2012 to **obtain source of payment of amounts other than the loan amount**. The order was communicated vide Court's letter dated 16.02.2012 (flag '3').

In reply of the Court's letter dated 16.02.2012, Sri Tiwari, through his letter dated 18.02.2012 at flag '1', has submitted that for rest of the amounts other than the loan amount, he has taken Rs. 2,00,000/- as personal loan from S.B.I., Varanasi, which is [repayable in 60 EMIs. of Rs. 4,810/-]. Apart from that, he is going to take pre-mature [payment of his two L.I.Cs. no. 215178653 & 215176955 to the tune of Rs. 37,476/- & Rs. 92,671/- respectively]. He has also applied to the District Judge, Varanasi for [temporary advance of Rs. 1,25,000/- from his G.P. Fund] account for the purpose, which is supposed to be sanctioned prior to purchase of the plot. A sum of Rs. 23,010/- is also going to be refunded to him as Income tax refund by the Income Tax department, Varanasi. As such, by these ways, a total sum of Rs. 4,78,157/- is available with him for the purpose. Relevant papers regarding personal loan of Rs. 2,00,000/-, pre-maturity of L.I.Cs. no. 215178653 & 215176955 to the tune of Rs. 37,476/- & Rs. 92,671/-, temporary advance from G.P. Fund applied for Rs. 1,25,000/- and Income tax refund, as submitted by the officer, are at flags '4', '5', '6' & '7' respectively. He has, therefore, requested to move the Hon'ble Court for grant of permission to purchase the said plot.

It is further submitted that the officer has furnished the required details/ papers

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as asked for therein the Court's order dated 16.02.2012 (flag '3').

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May, therefore, if approved, the file be laid before Hon'ble Mr. Justice Sanjay Misra for His Lordship's kind perusal & orders in the matter of grant of permission to the officer for purchase of immovable property i.e. plot no. 24, Sector no. 11, measuring 300 sq. meters, Vrindavan Residential Scheme, Lucknow ^{-from} Sri Sita Ram Pandey, S/o Late Sri Harivansh Pandey, R/o- R 11/ 19, Rajnagar, Ghaziabad for Rs. 35,00,000/-, as requested ?

Registrar (Budget)

Dr. Lalit
22.02.12

AKSIVAS
22.02.12

The report asked under Court's letter dtd 16.2.2012 in regard to purchase of immovable property at Lucknow & submitted by Sri Aniruddha Kr. Tewari, Addl. C.S.M. Varanasi has been enumerated above in detail.

Dr. Anand
22-2-12
AR

Submitted for kind perusal & onward submission before Hon'ble Mr. Justice Sanjay Misra for his Lordship's kind perusal & orders as proposed at 'A' above

DR(M)
22.2.12

As proposed at 'A'. All records & transactions submitted by the officer after it is completed
DR
23/2/12
Judge,
Nominated by Hon. C.S.

Hon'ble Mr. Justice Sanjay Misra

Submitted for kind perusal & orders as proposed at 'A' above

Dr. Anand
23.2.12
Registrar (Budget)

DR(M)

DR
Repr (B)
25.2.12

Sr. Aniruddha
25.2.12

Dr. Anand
25/2/12
DR (M)
25-02-12