

2274

Request-96

150/RCS  
06/11/18D.R.(M)

May kindly see the letters, placed below at flags 'A' & 'A-1' received from Sri-Sunil Kumar-I, Additional District Judge, Ghaziabad by which he has requested for grant of permission to purchase flat no. C-203, MSX Alpha Homes, plot no. GH-10, Alpha-I, Greater Noida, Distt. Gautam Budh Nagar, U.P.

In his letters, Sri Sunil Kumar has stated that MSX Retails Pvt. Ltd. Company had booked flat no. C-203, MSX Alpha Homes, plot no. GH-10, Alpha-I, Greater Noida, Distt. Gautam Budh Nagar, U.P for Sri Yashveer Singh S/o Late Mahipal Singh R/o B-12, sector T.A.-4, Swarn Nagari, Greater Noida, U.P. by its name under Construction Linked Payment Plan for a sum of Rs. 41,09,580/-. Earlier Rs. 38,93,592/- through cheques from time to time paid by original allottee Sri Yashveer Singh against the flat. Now, he intended to purchase the flat which has originally allotted to Sri Yashveer Singh and by the consent of original allottee as well as the company, the allotment of the said flat has been transferred to the officer's name on 28.03.2015. Furthermore, the officer has paid the amount deposited by original allottee to him and also to pay the rest of amount to the said dealer. A Tripartite sub lease deed will be conducted in the name of the officer as soon as the construction of the said flat is completed. He has submitted pointwise details of the proposed transaction, as required under the provisions of this Court's Circular Letter No. 25/ Admin (A) dated 13.07.1998 and has therefore, requested for grant of permission to purchase the above mentioned flat.

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

1	Date of joining service	22.12.2003
2	Present Gross Salary Take home Salary	Rs. 1,27,121/- Rs. 1,01,721/-
3	Details of purchases (Moveable property exceeding to value of Rs. 10,000/-and immovable property) made by the officer earlier.	1. Maruti 800 car purchased for Rs. 2,03,915/- in 2004. 2. Washing Machine for Rs. 14,700/- in 2008.  <b>Note:</b> Information regarding purchase of car & washing machine have been duly sent by the officer as well as seen by Hon'ble Judge. Order is at flag 'B').
4	Details of Advance or Loan taken from the High Court.	Nil
5	Details of loan taken from Bank etc.	Bank's name:- HDFC bank Loan Amount:- Rs. 21,85,000/- No. of EMI's :- 168 Amount of EMI:- Rs. 24,346/- (copy of 'Bank Offer letter' is at flag 'C').
6	Details regarding purchase of second hand car.	N.A.
7	Details of the property proposed to be purchased	Flat no. C-203, MSX Alpha Homes, plot no. GH-10, Alpha-I, Greater Noida, Distt.

		Gautam Budh Nagar, U.P (Copy of 'Lease deed' is at flag 'D')
	(b) Cost price	Rs. 44,79,101/-
8	Name and address of the seller(s).	MSX Realtors Pvt. Ltd., Regd. Office B-10, West Jyoti Nagar, Shadara, Delhi. Admin Office-603, 6 <sup>th</sup> floor, Ocean Heights, K-4, Sector-18, Noida, Gautam Budh Nagar.
9	Status of the Seller /Dealer	Private Ltd. Registered Company.
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	<ol style="list-style-type: none"> <li>Rs. 21,85,000/- is stated to have been taken as loan from HDFC bank, repayable in 168 EMIs of Rs. 24,346/-.</li> <li>Rest of the amount are stated to have been paid through various cheques i.e. Rs. 6,00,000/-, Rs. 86,143/-, Rs. 10,22,449/-, Rs. 2,23,474/-, Rs. 1,00,000/- &amp; Rs. 2,62,062/- (copy of statement of A/c is at flag 'E').</li> </ol>

In this connection, it is submitted that although the officer has stated that MSX ~~Realtors Pvt. Ltd.~~ is the sole owner of MSX ~~Home~~ & the said residential project MSX Alpha Homes is being constructed by MSX Retails Pvt. Ltd company and the sale will technically done by the company to the officer directly, but as in the instant case, major part of sale price has been paid to first/original allottee of the flat and as this transaction includes a private person in between he has applied for prior permission to purchase the same.

It is further submitted that as per Rule- 24 (1) of U.P. Government Servant's conduct Rule-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."*

Therefore, if approved, the file be laid before Hon'ble Mr. Justice Manoj Misra, Nominated Judge for disposal of the matters of Judicial Officers, of information/ permission of sale/ purchase of movable/ immovable property or gift etc., for His Lordship's kind perusal and if His Lordship approves, Sri Sunil Kumar-I, Additional District Judge, Ghaziabad may be granted permission to purchase flat no. C-203, MSX Alpha Homes, plot no. GH-10, Alpha-I, Greater

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Noida, Dist. Gautam Budh Nagar, U.P from MSX Realtors Pvt. Ltd., Regd. Office B-10, West Jyoti Nagar, Shadara, Delhi. Admin Office-603, 6<sup>th</sup> floor, Ocean Heights, K-4, Sector-18, Noida, Gautam Budh Nagar for Rs. 44,79,101/-, which was originally allotted by the company to one Sri Yashveer Singh, 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?

H-1  
22/12/17  
R.O.  
Ch. Jainwal  
22/12/17  
AR

Registrar (J) (B)

May like to place the file before Hon'ble Mr. Justice Manoj Misra, Nominated Judge for disposal of the matters of Judicial officers, of information/permission of sale/purchase of movable/immovable property of gift etc, for His Lordship's kind perusal and approval as proposed at A?

R.O.  
22/12/17  
AR

Hon'ble Mr Justice Manoj Misra  
Nominated Judge

submitted for kind perusal and order

R.O.  
08/1/18

150/R(B)  
06/01/18

Deputy Registrar (M)

'A' Permitted.

(Justice Manoj Misra)  
Judge  
High Court, Allahabad.  
17.07.2018

DR(M)

Repl (DRB)  
19/2/18

So. Admin A II

R.O.  
21/7/2018  
AR

Mrs Mumun  
21-7-18