

19/11/12
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Request-100
426
11-12-12
D.R.(M)

May kindly see the letter dated 09.11.2012, placed below at flag 'A', received from Sri Niraj Gautam, Additional Civil Judge (Senior Division), Gorakhpur, by which he has requested for grant of permission to purchase immovable property i.e. flat Unit no. V-206, Amrapali Silicon City at plot no. GH-01/A, Sector-76, Noida, District Gautam Budh Nagar measuring 1075 sq. feet, as well as to accept gift amount of Rs. 14,00,000/- from his father for purchase of the flat.

In his letter, Sri Gautam has stated that he wants to purchase a flat being constructed in Sector-76 of Noida, District Gautam Budh Nagar by Amrapali Silicon City Pvt. Ltd. of Amrapali Group, costing Rs. 45,55,625/-. For this purchase, Sri Gautam also wants to take gift amount of Rs. 14,00,000/- from his father Dr. Pramod Kumar Singh, who has been retired in June 2010 from the post of General Manager, Central Poultry Region, Patna of Bihar Animal Husbandry Service and get about Rs. 26,00,000/- as his retirement benefits. He has also 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 requested for grant of permission to purchase the flat as well as to accept gift amount of Rs. 14,00,000/- from his father for purchase of the flat.

The information regarding transaction of the flat, 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 the service	19.06.2006
2	Present Gross Salary Take home salary	Rs. 72,111/- Rs. 70,711/-
3	Details of purchases (Movable property exceeding to value of Rs. 10,000/- and immovable property) made by the officer earlier.	1. Maruti Alto car purchased for Rs. 2,96,270/- in the year 2007. Note: Information of car has been seen by Hon'ble Judge at flag 'B'.
4	Details of Advance or Loan taken from the High Court.	Nil at present
5	Details of loan taken from Bank etc. .	Nil
6	Details regarding purchase of second hand car.	N.A.
7	Details of the property proposed to be purchased	Flat Unit no. V-206, Amrapali Silicon City at plot no. GH-01/A, Sector- 76, Noida, District Gautam Budh Nagar measuring 1075 sq. feet (Copy of Agreement is at flag 'C')
	(b) Cost price	Rs. 45,55,625/-
8	Name and address of the seller(s).	Amrapali Silicon City Pvt. Ltd., Registered office- 307, 3 rd Floor, Nipun Tower, Plot no. 15, Community Center, Kadkadduma, Delhi
9	Status of the Seller /Dealer	Reputed & 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	1. Rs. 19,00,000/- is proposed to be taken as loan from a nationalized bank, repayment of which will be done in 22 year's of tenure @ Rs. 19,470/- per month E.M.I. (Bank offer letter is at flag 'D'). 2. Rs. 14,00,000/- is proposed to be taken as gift amount from his father for purchase of the flat,

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	<p>proposed to be given from his father's retirement benefits amounting about Rs. 26,00,000/-. His father Dr. Pramod Kumar Singh has been retired in June 2010 from the post of General Manager, Central Poultry Region, Patna of Bihar Animal Husbandry Service (Copies of, his father's 'Affidavit' for making gift amount and, papers relating to his retirement benefits are at flags 'E' & 'E-1').</p> <p>3. Rs. 7,05,000/- has already been paid by him through cheque no. 502434 on 17.10.2012 at the time of 'Agreement' from his savings bank account no. 1475101000 22249, Andhra Bank, Gorakhpur (Copy of pass book is at flag 'F').</p> <p>4. Rest against purchase price and registration expenses etc. will be paid from his savings of salary in the same bank account no. 1475101000 22249, Andhra Bank, Gorakhpur, in which his salary is deposited, and in which at present, an amount of Rs. 5,70,073/- is in balance (Copy of pass book is at flag 'F'). There is a possibility of about a year's time for completion of flat construction and in execution of sale deed of the flat.</p>
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It is submitted that as per Rule 24 (1) of U.P. Government Servant's conduct Rule-1956, there appears to be no necessity to take prior permission to purchase an immovable property through a regular and reputed dealer. In the instant case, the officer is going to purchase a flat from a regular and registered company, but as he has applied for grant of prior permission for the same, it may be considered favourably. The matter also involves permission to take gift amount of Rs. 14,00,000/- from his father, who has been retired from the post of General Manager, Central Poultry Region, Patna of Bihar Animal Husbandry Service and has in hand a sufficient money received by him as his retirement benefits i.e. about Rs. 26,00,000/-, papers of which has also submitted by the officer. However, prior permission to accept any gift from a close relative is also appears to be not necessary as per relevant rule of 'gift' i.e. Rule 11 of U.P. Government Servant's conduct Rule-1956. In the instant case, gift transaction is proposed from a blood relative i.e. father of the officer. It is further submitted that rule relating to purchase of immovable property i.e. Rule- 24 (1) of U.P. Government Servant's conduct Rule-1956 and, rule relating to gift i.e. Rule 11 of U.P. Government Servant's conduct Rule-1956 are as follows: -

24 (1)- "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."

11. Gifts:- A government servant shall not without previous approval of Government :-

- (a) Accept directly or indirectly on his own behalf or on behalf of any other persons, or
- (b) Permit any member of his family who is dependent on him, to accept any gift, gratuity or reward from any person other than a close relative.

May, therefore, if approved, the file be laid before Hon'ble Mr. Justice Sanjay Misra for His Lordship's kind perusal and if His Lordship approves, Sri Niraj Gautam, Additional Civil Judge (Senior Division), Gorakhpur be accorded permission to purchase'

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Request - 100

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flat Unit no. V-206, Amrapali Silicon City at plot no. GH-01/A, Sector-76, Noida, District Gautam Budh Nagar measuring 1075 sq. feet from Amrapali Silicon City Pvt. Ltd., registered office- 307, 3rd Floor, Nipun Tower, Plot no. 15, Community Center, Kadkadduma, Delhi for Rs. 45,55,625/-, as well as to accept gift amount of Rs. 14,00,000/- from his father to purchase the flat, as requested, subject to the condition that the relevant papers of the transactions alongwith copy of the sale deed be furnished by him immediately on completion of the transaction?

Registrar (Budget)

Dr. Talwar
07.12.12

Submitted for kind perusal & onward submission before Honble Mr. Justice Sanjay Misra for his Lordship's kind perusal & orders as proposed at "A" above & page ante also

DR (M)
07.12.12

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7.12.12
DR (M)

Honble Mr Justice Sanjay Misra

Submitted for kind perusal & orders / approval.

[Signature]
11.12.12
Registrar (B)

As prepared
at "A" above
Mr
20/12/12

DR (M)

[Signature]

Repr (B)
20th 12-12

See Annex
[Signature]
21.12.12

So (Admin A-U)

[Signature]

DR (M)
20-12-12