

J.R.(J)(B)

May kindly see the online application received from Smt. Poornima Pathak, Additional District Judge (F.T.C.), Etah by which she has requested for grant of permission to purchase plot no. GGP-C-C01/44, situated at Gomti Greens, sector-7, Gomti Nagar Ext. Amar Shaheed Path, Distt. Lucknow.

In her letter, the officer has stated that she is presently posted at Etah & a plot no. GGP-C-C01/44, measuring 193.75 sq. yards by M/s Emaar MGF Land Ltd. has been allotted in her name, on the basis of which registered 'Agreement to sell' deed has been obtained on 23.08.2019. It is also pertinent to mention here that before the allotment of the said plot to the officer, it has been allotted to one Sri Anurag Jain, co-owners Mr. Arvind Jain, S/o Sant Kumar Jain R/o 14, Govind nagar, Sidhouli, Sitapur U.P. on 07.05.2012 for Rs. 34,25,500/-. Out of the said amount, Rs. 25,42,971/- is stated to have been paid to the company in installments by the first allottee. But the allottee other than to pay the total amount of the said plot, decided to transfer their allotment rights in favour of Smartian Infratech And Consultants Pvt. Ltd. for Rs. 34,25,500/- to M/s Emaar MGF Land Ltd. That M/s Emaar MGF Land Ltd. had transferred the said plot to Smartian Infratech And Consultants Pvt. Ltd., flat no. 301, Monarch Apartments, New Hyderabad Colony, Lucknow through allotment letter dtd. 11.09.2014 out of which Rs. 25,42,971/- was deposited already. The said allottee did not pay the total price of the said plot to M/s Emaar MGF Land Ltd. but desired to transfer their allotment rights to M/s Emaar MGF Land Ltd. to some other person. In this way Smartian Infratech And Consultants Pvt Ltd. was mere an allottee & neither the plot was sold by M/s Emaar MGF Land Ltd. to the first allottee nor any sale deed was executed in its favour. Therefore, the sole authority of the plot laid with M/s Emaar MGF Land Ltd. Accordingly, a verbal discussion was held between M/s Emaar MGF Land Ltd., the first allottee & the officer, as a result of which the first allottee had agreed to surrender the allotment rights of the plot

measuring 193.75 sq. yards for Rs. 52,09,356/- @ Rs. 26,887/- in the officer's favour. Since the first allottee Smartian Infratech & Consultants Pvt. Ltd. has to pay Rs. 8,47,657/- more to M/s Emaar MGF Land Ltd. at the time of possession, which is still left. Thus, the said amount was also merged with the the total amount of Rs. 52,09,356/-. The circle rate of the said plot is Rs. 20,500/- per sq. yard. An agreement to sell deed has been executed in between the officer & first allottee Smartian Infratech & Consultants Pvt. Ltd. Therefore, she has paid Rs. 10,00,000/- out of her own S.B. A/c through A/c payee cheque no. 29176 to the first allottee i.e. Smartian Infratech & Consultants Pvt. Ltd. Besides this, she has availed bank loan of Rs. 43,56,372- and from that paid Rs. 33,19,543/- (rest for the first allottee) & rest Rs. 8,47,657/- to the company. She 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 plot.

The information regarding transaction of the plot, 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	21/04/09
2	Present Gross Salary	Rs. 1,61,006/-
	Take home Salary	Rs. 1,27,602/-
3	Details of purchases (Moveable property exceeding to value of Rs. 10,000/-and immovable property) made by the officer earlier.	None
4	Details of Advance or Loan	Nil

	taken from the High Court.	
5	Details of loan taken from Bank etc.	<p style="text-align: center;"><u>Home Loan</u></p> <ul style="list-style-type: none"> • ICICI Bank, Lucknow • Rs. 43,56,372/- • 240 • Rs. 39,617/- (Copy of 'Loan Arrangement Letter' has been submitted by the officer as attachment in pg. no. 12).
6	Details regarding purchase of second hand car.	N.A.
7	Details of the property proposed to be purchased	Plot no. GGP-C-C01/44, situated at Gomti Greens, sector-7, Gomti Nagar Ext. Amar Shaheed Path, Distt. Lucknow.
	(b) Cost price	Rs. 55,70,312/-
8	Name and address of the seller(s).	M/s Emaar MGF Land Ltd. 306-308, Square One, C-2, District Centre, Saket, New Delhi, after surrender of lease hold rights by first lessee Mr. Anurag Jain, Co-owners Arvind Jain, S/o Sant Kumar Jain, R/o 14 Govind nagar, Sidhouli, Sitapur U.P. and then by Smartian Infratech & Consultants Pvt. Ltd. (Copy of 'Agreement' has been submitted as attachment in pg. no. 19).
9	Status of the Seller /Dealer	International reputed Real Estate Company, registered under companies Act.
10	Whether the seller is related to the officer in any manner	No.

	and whether any case against him is pending/decided by the officer.	
11	Details of source of amount	<p>1. Rs. 10,00,000/- is stated to have been paid vide cheque no. 291796 through salary A/c no. 30752271007 from SBI, Gomtinaga, Lucknow to the previous allottee.</p> <p>2. Rs. 33,19,543/- is stated to have been paid vide ICICI Bank Home Loan cheque no. 444477 dtd. 31.07.2019 to the previous allottee.</p> <p>3. Rs. 42,156/- is stated to have been paid vide cheque no. 039147 through S.B. A/c no. 1786017467, CBI, Gomtinagar to the previous allottee.</p> <p>4. Rs. 8,47,657/- is stated to have been paid vide ICICI Bank Home Loan cheque no. 444478 dtd. 31.07.2019 to the company.</p> <p>5. Development charges of Rs. 36,504.72/- through RTGS dtd. 31.07.2019 from salary A/c no. 30752271007, S.B.I. Lucknow to the seller company.</p> <p>6. Transfer charges of Rs. 57,160/- vide cheque no. 039144 dtd. 30.07.2019 from S.B. A/c no. 1786017467, CBI, Gomtinagar, Lucknow.</p> <p>7. IFMS charges of Rs. 34,875/- vide cheque no. 039145 dtd. 30.07.2019, S.B. A/c no. 1786017467, CBI, Gomtinagar, Lucknow.</p> <p>8. Possession charges of Rs.</p>

		<p>1,16,050/- vide cheque no. 039146 dtd. 30.07.2019, S.B. A/c no. 1786017467, CBI, Lucknow.</p> <p>9. For E stamp Rs. 2,78,062/- vide D.D. no. 135303 dtd. 01.08.2019, S.B. A/c no. 1786017467, C.B.I., Gomtinagar, Lucknow. (Copy of passbook of her S.B. A/c indicating relevant entries of payment has been submitted by the officer as attachment from pg. no. 25 onwards).</p> <ul style="list-style-type: none"> • Note: The first allottee after full payment of the amount cancelled his allotment rights & a new allotment letter dtd. 23.08.2019 was executed in the name of the officer.
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In this connection, it is submitted that although the officer has stated that M/s Emaar MGF Land Ltd. is the sole owner of the said plot and the sale will technically done by the M/s Emaar MGF Land Ltd. to the officer directly, but as in the instant case, major part of sale price has been paid to first/original allottee of the plot and as this transaction includes a private person in between she has applied for prior permission before the execution of sale deed of 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 Om Prakash-VII, 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, Smt. Poornima Pathak, Additional District Judge (F.T.C.), Etah may be granted permission to purchase GGP-C-C01/44, situated at Gomti Greens, sector-7, Gomti Nagar Ext. Amar Shaheed Path, Distt. Lucknow for Rs. 55,70,312/-, which was originally leased by M/s Emaar MGF Land Ltd. to one Sri Anurag Jain, co-owners Mr. Arvind Jain, S/o Sant Kumar Jain, as requested, subject to the condition that the relevant papers of the transaction alongwith copy of the sale deed be furnished by her immediately on completion of the transaction?

Munmun Narang

Review Officer

Mohd. Arshad

Asst. Registrar

14.01.2020

Hon'ble Mr. Justice Om Prakash-VII,

Nominated Judge

Submitted for kind perusal & orders

Joint Registrar(J)(Budget)

16.01.2020