

J.R.(J) (B)

May kindly see the online application received from Sri Surjan Singh, Additional District & Sessions Judge, Shahjahanpur by which he has requested for grant of permission to purchase residential flat no. 102, measuring 1575 sq. ft., Ambrosia-D, Residency-2, Gomti Nagar Extension, Lucknow.

In his application, Sri Singh has stated that he intends to purchase residential flat no. 102, measuring 1575 sq. ft., Ambrosia-D, Residency-2, Gomti Nagar Extension, Lucknow from Omaxe Residency, Lucknow which has been presently booked by the company to Sri Sanjay Kumar Gupta S/o Sri Manik Lal Gupta & Smt. Kiran Gupta W/o Sri Sanjay Kumar Gupta R/o 5, ITI, Haydel complex, Sarojini Nagar, Lucknow. The aforesaid flat has been earlier booked to Sri Sanjay Kumar Gupta & Smt. Kiran Gupta on 03.05.2011 by Omaxe developers Residency for a sum of Rs. 37,29,446/- & they have paid the total price of the flat in favour of Omaxe Developers Residency but the registration of the said flat had not been done in the favour of the present allottee. An 'Agreement to sell' deed has been executed by the officer on 07.12.2019 to the present allottee & both the officer as well as his wife intends to purchase the said flat from them. The said flat is stated to be transferred in their name for a sum of Rs. 60,00,000/-. 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	17/06/06
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2	Present Gross Salary Take home Salary	Rs. 1,57,157/- Rs. 1,28,148/-
3	Details of purchases (Moveable property exceeding to value of Rs. 10,000/-and immovable property) made by the officer earlier.	1. Swift Dzire car for Rs. 7,42,413/- in 2014.
4	Details of Advance or Loan taken from the High Court.	Nil
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	Residential flat no. 102, measuring 1575 sq. ft., Ambrosia-D, Residency-2, Gomti Nagar Extension, Lucknow. (Copy of 'Agreement to sell' has been submitted by the officer as attachment).
	(b) Cost price	Rs. 60,00,000/-
8	Name and address of the seller(s).	Omaxe developers Residency by transferring allotment from first allottee Sri Sanjay Kumar Gupta & Smt. Kiran Gupta.
9	Status of the Seller /Dealer	Omaxe developers is a registered & reputed company.
10	Whether the seller is related to the officer in any manner and whether any case against him is pending/decided by the	Both the company & the private person do not hold any relationship with the officer.

	officer.	
11	Details of source of amount	<p>1. Rs. 48,00,000/- is proposed to be taken as housing loan from HDFC, Lucknow, repayable in 240 EMIs to Rs. 41,656/- (Copy of 'Loan Arrangement letter' of housing loan has been submitted by the officer as attachment).</p> <p>2. Rs. 8,00,000/- is proposed to be taken as personal loan from S.B.I., repayable in 72 EMIs of Rs. 15,433/- (Copy of 'Loan Arrangement letter' of personal loan has been submitted by the officer as attachment).</p> <p>3. Rs. 1,00,000/- is stated to have been paid by the officer as advance money through cheque no. 286106, out of his own S.B. A/c (copy of statement of A/c has been submitted by the officer as attachment).</p> <p>4. Rest Rs. 3,00,000/- & other expenses would be borne by the officer out of his own S.B. A/c, source of which is his savings & P.P.F. withdrawal of Rs. 2,74,000/-.</p> <p>Note: The officer has submitted copy of his S.B. A/c, P.P.F. A/c, his wife's S.B. A/c as attachments.</p>

In this connection, it is submitted that after obtaining the total price of the said flat by the first allottee, the transaction regarding change of allotment in favour of the officer & his wife would be done by the company. Thereafter, registration would also be executed in favour of the officer & his wife. Although, Omaxe developers is the sole owner of the said flat and the sale will technically done by the Omaxe developers to the officer directly, but as in the instant case, total 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 Mohd. Faiz Alam Khan, 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 Surjan Singh, Additional District & Sessions Judge, Shahjahanpur may be granted permission to purchase residential flat no. 102, measuring 1575 sq. ft., Ambrosia-D, Residency-2, Gomti Nagar Extension, Lucknow for Rs. 60,00,000/- which was originally booked by Omaxe developers to one Sri Sanjay Kumar Gupta & Smt. Kiran Gupta, 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?

Munmun Narang

Review Officer

Mohd. Arshad

Asst. Registrar

07.01.2020

**Hon'ble Mr. Justice Mohd. Faiz Alam Khan,
Nominated Judge**

Submitted for kind perusal and orders

Joint Registrar(J)(B)

08.01.2020