

Registrar (J) (Budget)

May kindly see the online application of Sri Sushil Kumar-V, presently posted as Secretary, DLSA, Gautam Budh Nagar by which he has requested for grant of permission to purchase i.e. to get sale deed of plot no. GGP-E-E02/06, situated at Gomti Greens, Lucknow.

In his application, Sri Sushil Kumar has stated that a plot no. GGP-E-E02/06 by M/s Emaar MGF Land Ltd. has been allotted in his name & the allotment of the said plot has been received on 20.03.2020. M/s Emaar MGF Ltd. is stated to be registered through Companies Act & is the sole owner of the aforementioned plot. It is also pertinent to mention here that before the allotment of the said plot to the officer, it has been allotted to one Smt. Aparna Dubey W/o Sri Arvind Dubey R/o Type-4,7/2 Ganga Sichaipuram Officers' Colony Telibagh, Lucknow on 25.06.2012 for Rs. 25,11,600/- & full payment is stated to have been paid to the company in installments by the first allottee. However, neither any sale deed was executed in her name nor any possession was given to her for the said plot & as such, Smt. Aparna Dubey was mere an allottee and the company itself was the sole proprietor of the said plot. After a lapse of time, Smt. Aparna Dubey was found quite uninterested in the said plot & showed her willingness to the company to approach some other person for the purchase of the said plot. Accordingly, a verbal discussion was held between the officer & Smt. Aparna Dubey and as a result of which she has agreed to surrender her allotment rights for the aforementioned plot measuring 200 sq. m., in the favour of the officer for a consideration of Rs.42,00,000/-. (copy of 'Nomination Letter' can be seen at page no. 4 of attachment heading-Permission letter). The current circle rate of the said plot is Rs. 17,500/- per sq. yard & the first allottee is also stated to have been paid the total sum of Rs. 25,11,600/- to the company. In this connection, the first allottee Smt. Aparna Dubey has taken a sum of Rs. 16,88,400/- as profit from the officer & after that possession has been given in favour of the officer. Thus, a 'Tripartite Agreement' is stated to have been executed

between the officer, Smt. Aparna Dubey & the company on 10.02.2020 (copy of the same can be seen at page no. 10 of attachment heading-Permission letter). Therefore, as per sale deed, the officer is stated to have been paid Rs. 8,00,000/- as token money out of his own S.B. A/c no. 35832507403 through A/c payee cheque no. 963327 to the first allottee & further sum of Rs. 9,00,000/- out of his same A/c no. 35832507403 through D.D. no. 237869 to Smt. Aparna Dubey. (copy of statement of A/c can be seen at page no. 15 & 18 of attachment heading-Permission letter). After the payment of Rs. 9,00,000/- to the first allottee, a new allotment letter on 20.03.2020 is stated to have been issued in favour of the officer. It is also pertinent to mention here that Rs. 70,800/- is stated to have been paid as transfer fees out of his own S.B. A/c no. 35832507403 to the company through D.D. no. 123779 on 24.02.2020. (copy of the same can be seen at page no. 18 of attachment heading-Permission letter). According to the new allotment letter, an e-stamp payment of Rs. 2,88,500/- between the new allottee (the officer) & the company is stated to have been paid through NEFT. 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/get sale deed of 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	06.01.2010
2	Present Gross Salary	Rs. 1,28,823/-
	Take home Salary	Rs. 1,01,374/-
3	Details of purchases (Moveable property)	A new Renault Kwid car purchased

	exceeding to value of Rs. 10,000/-and immovable property) made by the officer earlier.	for Rs. 4,86,000/- in 2017. Note: Information regarding purchase of the same has been duly submitted by the officer.
4	Details of Advance or Loan taken from the High Court.	Nil
5	Details of loan taken from Bank etc.	<u>Home Loan</u> • HDFC, Lucknow • Rs. 25,00,000/- • 180 • Rs. 24,181/-
6	Details regarding purchase of second hand car.	N.A.
7	Details of the property proposed to be purchased	Plot no. GGP-E-E02/06, measuring 200 sq. m., situated at Gomti Greens, Sector-7, Gomti Nagar Ext., Amar Shaheed Path, Lucknow.
	(b) Cost price	Rs. 42,00,000/-
8	Name and address of the seller(s).	M/s Emaar MGF Ltd., Emaar Business park M.G. Road Sikanderpur Chowk, sector-28, Gurugram, 122002 Hariyana.
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 and whether any case against him is	No.

	pending/decided by the officer.	
11	Details of source of amount	<p>1. Rs. 17,00,000/- in two installments of Rs. 8,00,000/- & Rs. 9,00,000/- is stated to have been paid to the previous allottee (Smt. Aparna Dubey) vide cheque no. 963327 & D.D. no. 237869 out of his own S.B. A/c no. 35832507403, SBI. (copy of statement of A/c can be seen at page no. 15 & 18 of attachment heading-Permission letter).</p> <p>2. Rs. 25,00,000/- has been taken as home loan from HDFC, Lucknow. (copy of the same can be seen at page no. 28 of attachment heading-Permission letter)</p> <p>3. Rs. 2,88,500/- is stated to have been paid for e-stamp duty charges through NEFT. (copy of statement of A/c can be seen at page no. 15 & 18 of attachment heading-Permission letter).</p> <p>4. Rest Rs. 70,800/- is stated to have been paid for transfer fee through D.D. no. 123779 out of his same S.B. A/c no. 35832507403, SBI.</p>

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 he 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 the District Gautam Budh Nagar, for His Lordship's kind perusal and if His Lordship approves, Sri Sushil Kumar-V, Secretary, DLSA, Gautam Budh Nagar may be granted permission to purchase/get sale deed of plot no. GGP-E-E02/06, situated at Gomti Greens, Lucknow for Rs. 42,00,000/-,

which was originally allotted by M/s Emaar MGF Land Ltd. to one Smt. Aparna Dubey, 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

26.09.2020

Hon'ble Mr. Justice Om Prakash-VII,

Nominated Judge

Submitted for kind perusal & orders

Registrar(J)(Budget)

28.09.20