

## **Joint Registrar (J) (Budget)**

May kindly see the online application received from Sri Shiv Kumar Tiwari, Additional District Judge, Kannauj by which he has submitted supplementary details/ papers in connection with grant of permission to purchase Villa no. 82, part of Khasra no. 29, Plot Area 153.98 square, built up area 185.80 square meter. Project name Sai Farms situated in Village Sikandarpur Khurd, Paragna, Tehsil and District Lucknow in compliance of Court's order.

In this connection, it is submitted that in his earlier application, Sri Shiv Kumar Tiwari has requested for grant of permission to purchase the above mentioned villa owned by Sri Vimal Kapoor S/o Late Sri Shyam Narayan Kapoor, R/o C-398, sector-B, Mahanagar, Lucknow for Rs. 60,00,000/- with usual GST & registration charges. The matter was submitted before Hon'ble Mr. Justice Virendra Kumar-II, vide detailed office note dated 05.12.2020 upon which His Lordship had been pleased to order:

***"Mr. Shiv Kumar Tiwari, learned Additional Judge, Kannauj and the proposed seller Mr. Vimal Kapoor have executed agreement for sale of Villa No. 82, Khasra No. 29, Plot Area 153.98 square meter in project namely, Sai Farms situated in Village Sikandarpur Khurd, Pargana, Tehsil and District Lucknow.***

***The officer has disclosed that Mr. Vimal Kapoor is dealing in real estate whereas only GST registration form has been provided in which nature of business has not been mentioned as real estate. It is not clear that Sai Farms Project situated in Village Sikandarpur Khurd District Lucknow is in ownership of Vimal Kapoor or not exclusively.***

***The GST registration has been issued on 28.7.2020, therefore, project must be registered with UP RERA.***

***The officer has to clarify within a month whether proposed seller Mr. Vimal Kapoor has given information of his project to UP RERA or not and Sai Farms Project have been registered with LDA or not?"***

The order was communicated online to the officer.

In reply of the Court's order, Sri Shiv Kumar Tiwari, has submitted that:-

Proposed seller Mr. Vimal Kapoor has got the land on which the said villa is situated through registered will deed of his mother dated 24.12.2012, Mr. Vimal Kapoor's mother died on 28.03.2017 so he has become sole owner of khasra no. 29 after death of his mother. Before death of Vimal Kapoor's mother Smt. Shal Rani Kapoor Khasra no. 29 was declared as non-agricultural land by competent authority on 21.07.2012.

SAI FARM PROJECT khasra no. 29 where villa no. 82 situates is approved by zila panchayat for proposed group housing on plot no. 61 to 84 as it is outside of nagar palika.

He had inquired about registration under UPRERA from proposed seller then he has replied that SAI FARM resident welfare society had been formed on 22nd December 2014 the maintenance had been handed over to said RWA on 31st August 2016 so the registration of Project in RERA was not required as it was exempted under sub clause (H) of rule 2 of UP RERA RULES 2017. UPRERA applies to ongoing projects the said project had been handed over to the SAI FARM welfare society before 1st May 2017 on the date on which UPRERA became applicable. The officer has also enclosed copies of several documents i.e. (registered will deed dtd. 24.12.2012, death certificate of Sri Vimal Kapoor's mother, approval of map of project from zila panchayat, Lucknow, Bhulekh, order dated 21.07.2012 of SDM, Sadar Lucknow, SAI FARM Resident welfare society registration certificate, renewal of SAI FARM Resident welfare society, UPRERA notification & copy of personal loan statement).

As such, the matter is now required to be submitted again to Hon'ble Court for further order, as proposed in earlier office note dated 05.12.2020, by taking into consideration the present reply/details, as submitted by the officer in compliance of Hon'ble Court's order/query.

May, therefore, if approved, the file be laid before Hon'ble Mr. Justice Ajai Kumar Srivastava-I, 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 Kannauj, for His Lordship's kind

perusal & if His Lordship's approves, permission be granted to Sri Shiv Kumar Tiwari, Additional District Judge, Kannauj to purchase the immovable property i.e. Villa no. 82, part of Khasra no. 29, Plot Area 153.98 square, built up area 185.80 square meter, Project name Sai Farms, situated in Village Sikandarpur Khurd, Paragna, Tehshil and District Lucknow for Rs. 60,00,000/- with usual GST & registration charges from Sri Vimal Kapoor S/o Late Sri Shyam Narayan Kapoor, R/o C-398, sector-B, Mahanagar, Lucknow, 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, R.O.,

Mohd. Arshad A.R.

14.06.2021

**Hon'ble Mr. Justice Ajai Kumar Srivastava-I,**

**Nominated Judge**

**Submitted for kind perusal & order**

**Joint Registrar (J) (Budget)**

