

I/c Joint Registrar (J)(Budget)

May kindly see the online application received from Sri Vinay Kumar Jaiswal, Additional Chief Judicial Magistrate (Railways), Moradabad by which he has requested for grant of permission to purchase plot no. GGL-H 2-48, measuring 200 sq. m., sector-H, EMAAR MGF Integrated Township, situated at village Sarsawan, Ardhauna Mau & Ahmamau, Pargana Lucknow, Tehsil Sarojini nagar, Distt. Lucknow.

In his application, the officer has stated that he has been already granted permission by this Court regarding purchase of a plot in Lucknow vide his earlier application dtd. 10.05.2022 for which he has verbally talked with Sri Haseen Khan S/o Sri Jameel Khan but later on it came to notice that due to some family problems, the seller was not ready to sell the same to the officer. Therefore, he has requested to cancel his earlier granted permission & grant him fresh permission to purchase plot no. GGL-H 2-48, measuring 200 sq. m., sector-H, EMAAR MGF Integrated Township, situated at village Sarsawan, Ardhauna Mau & Ahmamau, Pargana Lucknow, Tehsil Sarojini Nagar, Distt. Lucknow. For the purpose, he talked to Sri Sarabjit Singh Kochar & Smt. Surinder Kocher, who have been allotted plot no. GGL-H 2-48, measuring 200 sq. m., sector-H, situated at village Sarsawan, Ardhauna Mau & Ahmamau, pargana Lucknow, Tehsil Sarojini nagar, Distt. Lucknow by EMAAR INDIA Ltd. (Builders & Developers) in their society, whose first installment of Rs. 37,00,000/- was deposited by them to EMAAR India. The total price of the said plot is Rs. 1,07,00,000/-. Thus, after getting due permission of this Hon'ble Court, Rs. 37,00,000/- will be paid to the first allottee through cheque & rest Rs. 70,00,000/- will be paid to Emaar India Ltd. as per demand through cheques by the officer. At present, the said plot is allotted to Sri Sarabjit Singh Kochar & Smt. Surinder Kocher & after obtaining the amount of Rs. 37,00,000/-, they are willing to transfer the allotment rights to the officer. After due permission of this Court, the registry will be executed by Emaar India in favour of the officer. 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 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	17/03/15
2.	Present Gross Salary Take home salary	Rs. 1,53,021/- Rs. 1,19,049/-
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 taken from the High Court	Nil

5.	Details of loan taken from Bank etc.	Nil at present
6.	Details regarding purchase of second hand car	N.A.
7.	(a) Details of the property proposed to be purchased	Plot no. GGL-H 2-48, measuring 200 sq. m., Sector-H, EMAAR MGF Integrated Township, situated at village Sarsawan, Ardhauna Mau & Ahmamau, Pargana Lucknow, Tehsil Sarojini Nagar, Distt. Lucknow (copy of 'Agreement Deed' can be seen as attachment)
	(b) Cost price	Rs. 1,07,00,000/-
8.	Name and address of the seller(s)	M/s Emaar MGF Integrated Township, Lucknow, C-2, District centre Saket, New Delhi after surrender of allotment rights by first allottees Sri Sarabjit Singh Kochar & Smt. Surinder Kocher R/o flat no. B 804, Shalimar Emerald 14, Jopling road, Lucknow
9.	Status of the Seller /Dealer	Regular & Reputed builder/ dealer
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	<p>1. Rs. 10,10,516/- is stated to have been a balance amount in his S.B. A/c (copy of passbook can be seen as attachment)</p> <p>2. Rs. 80,00,000/- is proposed to be taken as loan from HDFC Bank, repayable in 180 EMIs of Rs. 74,389/- (copy of 'loan offer letter' can be seen as attachment).</p> <p>3. Rs. 17,00,000/- will be taken as (interest-free) loan from his brother-in-law, Sri Sunil Kumar Jaiswal S/o Sri Ramshanker Jaiswal (copy of 'consent letter' can be seen as attachment) after getting due permission of this Court.</p> <p>4. Rest Rs. 2,53,908/- is stated to have been a balance amount in his wife's S.B. A/c</p> <p>Note: It is pertinent to mention here that the wife of the officer (Smt. Trisha Mishra) is also a judicial officer, having gross & take home salary of Rs. 1,42,459/- & Rs. 1,09,446/- respectively. During the pendency of this application, he has paid to Sri Sarabjit Singh Kochar & Smt. Surinder Kocher after taking proposed interest-free loan from Sri his brother-in-law, Sri Sunil Kumar Jaiswal of Rs. 17 lac and additionally Rs. 3 lac also.</p>

He has, therefore, requested the Hon'ble Court that by canceling the earlier order regarding grant of permission to purchase from Sri Haseen Khan S/o Sri Jameel Khan, he may be granted fresh permission to purchase the plot in question now.

It is to submit that earlier on his application, vide order dated 27.05.2022 of Hon'ble Mr. Justice Dinesh Kumar Singh, Administrative Judge, Moradabad, passed in application Id no. 3225, the officer was granted permission to purchase plot no. GGP-F-F01/24 Sector F EMAAR MGF Integrated Township, Lucknow measuring 200 sq. m., in village Sarsawan, Ardhauna Mau & Ahmamau situated in Distt. Lucknow, Tehsil Sarojini Nagar, Distt. Lucknow for Rs. 80,00,000/-from Sri Haseen Khan S/o Sri Jameel Khan. R/o 02/626, 5th Floor, Vikas Nagar, Lucknow. Now, instead of that, he has now willing to purchase another plot.

In this connection, it is submitted that although the officer has stated that M/s Emaar India is the sole owner of the said plot and the sale will technically done by the M/s Emaar India to the officer directly, but 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."

May, therefore, if approved, the matter be laid before Hon'ble Mr. Justice Dinesh Kumar Singh, Administrative Judge, Moradabad, also nominated for "Disposal of the matters of the Judicial Officers, wherein permission/information for sale or purchase of movable/immovable property and permission/information to accept gift under U.P. Government Servants' Conduct Rules 1956" for the district Moradabad, for His Lordship's kind perusal and if His Lordship approves, Sri Vinay Kumar Jaiswal, Additional Chief Judicial Magistrate (Railways), Moradabad may be granted fresh permission to purchase plot no. GGL-H 2-48, measuring 200 sq. m., Sector-H, EMAAR MGF Integrated Township, situated at village Sarsawan, Ardhauna Mau & Ahmamau, Pargana Lucknow, Tehsil Sarojini Nagar, Distt. Lucknow, from EMAAR India Ltd. for Rs. 1,07,00,000/-, which was originally allotted by M/s Emaar India to Sri Sarabjit Singh Kochar & Smt. Surinder Kocher, instead of the earlier granted permission to purchase plot no. GGP-F-F01/24 Sector F EMAAR MGF Integrated Township, Lucknow measuring 200 sq. m., in village Sarsawan, Ardhauna Mau & Ahmamau situated in Distt. Lucknow, Tehsil Sarojini Nagar, Distt. Lucknow for Rs. 80,00,000/-from Sri Haseen Khan S/o Sri Jameel Khan. R/o 02/626, 5th Floor, Vikas Nagar, 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.

Hon'ble Mr. Justice Dinesh Kumar Singh,

Administrative Judge, Moradabad

Submitted for kind perusal & order

I/c Joint Registrar (Judicial) (Budget)

