

Registrar (J) (Budget)

May kindly see the online application of Sri Dharam Veer Singh, Chief Judicial Magistrate, Kannauj regarding grant of permission to purchase plot no. PCP-S4-P2-D015, 299 sq yard, Pintail Park City Phase 1, situated at Sultanpur Road, Lucknow, intimated through application dated 06.11.2023.

In his application, Sri Dharam Veer Singh has submitted that he is willing to purchase a plot (plot no. PCP-S4-P2-D015, 299 sq yard) in phase 1 of Pintail Park City Township Sultanpur Lucknow. The Pintail Infracon is LDA registered real estate builder vide licence no 137/VC/EE/HITG/2015. He has also submitted that the plot was allotted to a previous allottee who got the allotment of the plot in 2018 and entered into an agreement to sale, with the builder. However after development of phase 1 of the township was completed, the previous allottee became unwilling to get the Registry of the plot and was willing to sell out the plot. Therefore, when he contacted the builder, he agreed to make allotment of the said plot in his favour, with the condition that the total sum which previous allottee has paid to the builder, shall be paid by him (the officer) to the previous allottee and the rest sum which left to be paid to builder shall be paid by him (the officer) to the builder. The concerned plot was allotted by the builder to the previous allottee for Rs 65,40,025/- including all charges on 15.10.2018. The previous allottee paid interest on his home loan so he added Rs 21,59,975 to that purchase price as a premium. So, the total price of the plot for him became Rs 87,00,000/-. The previous allottee has paid a total of Rs 56,81,000/- till now to the builder and the rest of Rs 8,59,025 /- was due on him. To make the total payment of Rs 87,00,000/- he made a payment of Rs 27,00,000/- to the previous allottee through his salary account through RTGS. and for the rest of Rs. 60,00,000/- he took ICICI Home loan. Thereafter through bank loan of Rs 60,00,000/-, he paid the rest amount of Rs 51,40,875/- to the previous allottee and the rest amount of Rs 8,59,025/- to the builder. Thereafter builder and previous allottee registered an agreement of cancellation, to cancel the previous allottee's name on the plot and make an allotment in his favour. The builder allotted the plot on his name by a Welcome letter and Nomination Confirmation Letter dated 21.10.2023. He has further submitted that because the plot was allotted by the builder to the previous allottee and the agreement for sale was done for a consideration price of Rs.62,55,260/- (the previously fixed sale price), and this was the total sale consideration, so registry in his favour will be done on the same price @7% stamp duty. He has, therefore humbly prayed for grant of permission to purchase the said plot.

He has also submitted pointwise details of the proposed transaction as per C.L. No. 25/ Adinn. (A) dated 13th July, 1998, which are as follows:-

1.	Date of joining service	21.05.2013
2.	Present Gross Salary Take home Salary	Rs. 1,80,951/- Rs. 1,32,011/-
3.	Details of purchases (Moveable property exceeding to value of Rs. 10,000/- and immovable property) made by the officer earlier	<ul style="list-style-type: none">• Maruti Suzukli Dzire car purchased on 13.10.2013, for Rs. 6,40,000/- (Information was submitted to Hon'ble Court as per rules)• Honda City car purchased on 26.12.2020 for Rs. 15,15,000/- (Information was submitted to Hon'ble Court as per rules)
4.	Details of Advance or Loan taken from the High Court	Nil
5.	Details of loan taken from Bank etc.	Rs. 60,00,000/- is stated to have been taken as home loan from ICICI Bank, repayable in 180 monthly EMIs of Rs. 59,496 (copy of 'Loan paper' can be seen as attachment namely- Papers of Bank loan of Rs. 60,05,900)
6.	Details regarding purchase of second hand car	Nil

7.	(a) Details of the property proposed to be purchased	Plot no.PCP-S4-P2-D015, 299 sq yard, Pintail Park City Phase 1, situated at Sultanpur Road, Lucknow
	(b) Cost price	Rs. 62,55,260/- is the sale consideration of the plot (copy of 'cost price' can be seen as attachment namely- Allotment and Nomination letter of plot by Builder, page no.4.)
8.	Name and address of the seller(s)	Pintail Infracon LLP, 7th Floor, Eldeco Corporate Tower, Vibhuti Khand, Gomti Nagar, Lucknow.
9.	Status of the Seller /Dealer	Regular and Reputed
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	<ul style="list-style-type: none"> • A total of Rs. 27,00,000/- is stated to have been paid out of his saving account on various dates to the previous allottee i.e. Rs. 5,00,000/- on 23.08.2023 through RTGS, Rs. 15,00,000/- on 05.09.2023 through RTGS, Rs. 5,00,000/- on 06.09.2023 through RTGS , Rs. 2,00,000/- on 21.09.2023 through RTGS . (copy of 'statement of Account' can be seen in attachment. • Rs. 60,00,000/- is stated to have been taken as a home loan from ICICI Bank, out of which Rs. 51,40,875/- is stated to have been paid to the previous allottee, remaining amount Rs.8,59,025/- is stated to have been paid to the builder.) • Registration & stamp duty i.e. Rs. 4,37,868/- will be paid from his salary account, in which he has a sufficient balance of Rs. 6,88,205/-. • Note: The first allottee cancelled his allotment rights after getting full payment of amount (copy of cancelled agreement can be seen as attachment namely- Cancellation agreement dt. 23.09.2023), & a new allotment letter dtd. 21.10.2023 was executed in the name of the officer (copy of allotment letter can be seen as attachment namely- Allotment and Nomination letter of plot by Builder) • In the instant case, a major part of the sale price has been paid to the 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 the sale deed of the same. The officer is making an expenditure of a total sum of Rs. 87,00,000/- against the purchase in making payment to the previous allottee with premium also, however, sale deed is stated to be executed on the previously fixed sale price of Rs. 62,55,260/- as per allotment of first allottee.

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 Ajai Kumar Srivastava-I, Administrative Judge, Kannauj, 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 Kannauj, for His Lordship's kind perusal and if His Lordship approves, Sri Dharam Veer Singh, Chief Judicial Magistrate, Kannauj may be granted permission to purchase plot no. PCP-S4-P2-D015, 299 sq yard, Pintail Park City Phase 1, situated at Sultanpur Road, Lucknow, for Rs. 62,55,260/-by making an expenditure of Rs. 87,00,000/-, from by Pintail Infracon LLP, 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?

Vipin Yadav R.O

Munmun Narang S.O

Meetu Verma A.R, Admin A-4

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

Administrative Judge, Kannauj

Submitted for kind perusal & orders?

Registrar(Judicial)(Budget)

