

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1495 of 2012

IN

Civil Writ Jurisdiction Case No. 5342 of 2009

- =====
1. The Bihar State Housing Board, Patna through its Managing Director, 6, Sardar Patel Marg, Patna
 2. The Managing Director, Bihar State Housing Board, 6, Sardar Patel Marg, Patna
 3. The Manager, Housing Estate-Cum-Additional Secretary, Bihar State Housing Board, Patna
 4. The Executive Engineer, Bihar State Housing Board, Division 2, Patna
 5. The Junior Engineer, Bihar State Housing Board, Division 2, Patna

.... Appellant/s

Versus

Neeraj Kataruka Son of Uma Shankar Kataruka Permanent Resident Of Mohalla Budh Marg, Post Office G.P.O., P.S. Kotwali, District Patna at Present Resident Of Space Town, Flat No. 4E, Block-II, VIP Road, Behind Haldiram, Kolkata

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anshuman Singh, Advocate

For the Respondent/s : Mr. Gaurav Govind, Advocate

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 14-07-2015

This Letters Patent Appeal has been filed by the Bihar State Housing Board assailing the order dated 20.03.2012 passed by the learned Single Judge in CWJC No. 5342 of 2009 whereunder Housing Board was directed to refund the earnest money deposited by the writ petitioner with simple interest @ 5% per annum and the disposal price of the plot with interest @ 12% per annum.

2. It is submitted on behalf of the Housing Board that

aforesaid direction to refund the earnest money and the disposal price of the plot is not in tune with the provisions of Section 4 of the Digha Acquired Land Settlement Act, 2010, which has come into force with effect from 27.11.2013.

3. The order having been passed by the learned Single Judge much prior to the coming into force of the Act, in the circumstances, the provisions of the 2010 Act will not be applicable to the facts of the case referred to in the order impugned. The appeal is dismissed.

4. The appeal having been dismissed on merit, there is no occasion for us to condone the delay in filing the appeal. Accordingly, limitation petition, bearing I.A. No. 6262 of 2012 is also dismissed.

(V.N. Sinha, J.)

(Jitendra Mohan Sharma, J.)

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