

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.210 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 16381 of 2008

1. The Bihar State Housing Board through its Managing Director, Mangles Road, Patna
2. The Estate Officer, Bihar State Housing Board, Patna
3. The Executive Engineer, Bihar State Housing Board, Patna

.... Appellants

Versus

1. Chitalekha Singh, wife of Late Shree Narayan Singh, R/o Mohalla- Keshri Nagar, Text Book Colony, P.O. Keshri Nagar, P.S. Patliputra Colony, Distt- Patna.
2. Umesh Narayan Singh, son of Late Shree Narayan Singh, Resident of Village- Mukundpur, P.O.+P.S. - Ekma, Distt- Saran.
3. Mahesh Narayan Singh, son of Late Shree Narayan Singh, Resident of Shree Narayan Ara Machine, Main Road, Ekma, P.O+P.S.- Ekma, Distt- Saran.
4. Sujeet Raj, son of Late Shree Narayan Singh, Resident of Mohalla- Keshri Nagar, Text Book Colony, P.O.- Keshri Nagar, P.S.- Patliputra Colony, Distt- Patna.
5. Renu Singh, daughter of Late Shree Narayan Singh, wife of Uday Raj Singh, Resident of Mohalla- Sainikpuri, P.O.+P.S.- Sainikpuri, Distt- Sikandarabad (A.P.)
6. Rekha Singh, daughter of Late Shree Narayan Singh, wife of Madan Singh, B/9, Kalyani, P.O.+P.S. & Distt- Nadia (W.B.)
7. The State of Bihar through its Chief Secretary, Government of Bihar, Old Secretariat, Patna

.... Respondents

Appearance :

For the Appellants : Mr. R.S. Pradhan, Sr. Advocate.
Mr. Pankaj Maijarwa, Advocate.

For the State : Mr. Satyendra Rai, A.C. to S.C. 30

For Private respondents: Mr. Brajesh Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 14-07-2016

Heard learned counsel for the parties.

2. The order dated 5th of December, 2012 passed by the learned Single Bench of this Court in C.W.J.C. No. 16381 of 2008 is subject matter of challenge in the present Letters Patent Appeal wherein, the writ application has been allowed with a direction to the appellants to refund the money deposited by the original petitioner for allotment of piece and parcel of land along with interest at the rate of 12 per cent *per annum* to be calculated at quarterly rest from the date of its payment till the date of its refund.

3. The sole argument raised by the learned counsel for the appellants is that in terms of the Digha Acquired Land Settlement Act, 2010 (hereinafter referred to as “the Act”), the Board is liable to pay compound interest at the rate of 8 per cent *per annum* from the date of its deposit till the date of refund. Therefore, the direction of the learned Single Bench to pay interest at the rate of 12 per cent *per annum* runs counter to the specific provisions of the Statute.

4. However, it is admitted that the Act was enforced only on 27th of November, 2013. Therefore, the order passed by the learned Single Bench is prior to commencement of the Act. Therefore,

the provisions of Section 4 of the Act which contemplates awarding of 8 per cent compound interest *per annum* will not be applicable in respect of refund of the amount ordered before the commencement of the Act.

5. In view thereof, we do not find any merit in the present Letters Patent Appeal. The same is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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