

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION**

**F.M.A. 1511 of 2016
With
CAN 1 of 2016(Old No. CAN 3440 of 2016)
With
CAN 4 of 2023**

West Bengal Housing Board & Anr.

Vs.

The District Magistrate and Ors.

**Ms. Sutapa Sanyal
Ms. S. Nesar**

... For the Applicant.

Re: CAN 4 of 2023

This is an application for clarification of an order passed by a division bench of this court on 16th November, 2016. Both the learned judges who passed the order are not part of this court today. It is submitted that we have jurisdiction to hear this application, which we accept.

The part of the said judgement and order of which clarification is sought is at page 4 thereof. It records that Rs. 11,39,000/- 'has already been deposited by the appellant with the Registrar General.' We notice at page 22 of the present application that this sum was deposited by the appellant no. 2. (Bengal Peerless Housing Development Company Ltd.). Again in the

S.D.

following part of the said order the court directed the Registrar General to refund the balance sum 'to the appellant'.

This balance sum was Rs. 1,49,00,836(Rupees one crore forty-nine lakh eight hundred and thirty six only). The Registrar General without seeking any clarification refunded it to The West Bengal Housing Board, the appellant no. 1.

The Board realizing the mistake in this order has resolved that a suitable communication be received from the Registrar General to enable the Board to make over the money to the appellant no. 2. Since the appellant no. 2 made the deposit it was entitled to its refund.

We clarify the said judgement and order dated 16 November, 2016 by saying that the reference to the appellant meant appellant no. 2 in the said part of the order and the refund was to be made to this appellant.

We clarify the said order accordingly and also direct that it is to be complied with by the appellant no. 1 refunding/remitting Rs.1,49,00,836/- to the appellant no. 2 within three weeks of communication of this order.

This application (CAN 4 of 2023) is disposed of.

(I.P. Mukerji, J.)

(Biswaroop Chowdhury, J.)

