

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (C) No.483 of 2018

Dhirendra Kumar Singh, aged about 62 years, S/o Late Ranglal Singh, R/o Near CSEB Sub Station, Ameri Road, Bilaspur (C.G.)

---- Petitioner

Versus

The Raipur Development Authority, Raipur (C.G.) through the Chief Executive Officer, Raipur Development Authority, Raipur (C.G.)

---- Respondent

For Petitioner: Mr. Malay Kumar Bhaduri, Advocate.

For Respondent: Mr. Arvind Shrivastava, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

09/04/2018

1. Learned counsel for the petitioner submits that the Raipur Development Authority (RDA) has taken ₹ 58,42,014/- from the petitioner from 18-2-2014 to 16-11-2017, but plot has not been allotted and now, the amount has been refunded on the premises that the plot cannot be allotted, as the RDA has no title over it, therefore, interest amount be awarded.
2. The RDA has filed affidavit stating that the petitioner is entitled for interest on the deposits made by him with the respondent for the period of retention of the same by it, but there is no contractual agreement between the parties with regard to payment of interest.
3. I have heard learned counsel for the parties.
4. Huge amount of ₹ 58,42,014/- was deposited by the petitioner on the assurance that he will be given plot but neither plot was allotted to him nor refund was made with interest. When the RDA came to know that plot cannot be allotted, it could have immediately refunded the

said amount along with interest. The act of the RDA in not allotting the plot and even the amount with interest is clearly unsustainable. The petitioner was not required to knock the door of the RDA for return of the amount deposited by him if the plot cannot be allotted. It was the responsibility of the RDA to return the amount back to the petitioner with interest. In spite of repeated requests, the amount was not refunded along with interest by the respondent to the petitioner as soon as the RDA came to know that plot cannot be allotted, any how only the amount deposited was refunded. Therefore, the petitioner is entitled for interest on the said amount from the date of deposit till the date of refund with interest @ 8% per annum. The said amount will be paid within 15 days from today. The petitioner will also be entitled for cost of ₹ 10,000/-.

5. The writ petition is allowed to the extent indicated herein-above.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma