

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 506 of 2018

1. The Raipur Development Authority, Raipur (CG) through the Chief Executive Officer, Raipur Development Authority, Raipur, CG

--- Appellant

Versus

1. Dharendra Kumar Singh, aged about 62 years, S/o late Ranglal Singh, R/o Near CSEB Sub Station, Ameri, Bilaspur, CG

--- Respondent

For Appellant : Shri Arvind Shrivastava, Advocate

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Gautam Chourdiya

Order On Board By Hon. P. Diwaker, J

06/07/2018

This appeal has been preferred against the order dated 09.04.2018 passed by learned Single Judge in WP (C) No. 483/2018 directing the appellant herein to pay interest to the writ petitioner herein at the rate of 8% per annum from the date on which he had deposited Rs. 58, 42,014/- till the date of refund, as also imposing the cost of Rs. 10,000/- on it.

2. Facts necessary for disposal of this writ appeal in short are that pursuant to an advertisement issued by the appellant, the writ petitioner had applied for a residential plot under the Kamal Vihar Yojna (Nagar Vikash Yojna No. 04) and he was found suitable for allotment of Plot No. A/19 under general category and accordingly allotment order

was issued on 12.05.2014. Writ petitioner was also asked to deposit a sum of Rs. 58, 42,014/- which he deposited in installments as asked for. Allotment scheme further provides that if the allottee deposits the entire amount at a time, he would be given rebate also. However, when the appellant refused to allot the said plot or any other alternative plot to the writ petitioner, he requested for refund of the entire amount with interest at the rate of 12% per annum. Subsequently, though the appellant refunded the entire amount to the writ petitioner yet the interest at the rate of 12% as sought for by him was not paid and for that he filed the writ petition.

3. Writ Court allowed the petition and directed the appellant herein to pay interest to the writ petitioner at the rate of 8% per annum from the date when he deposited the amount with it. Writ Court also imposed cost of Rs. 10,000/- on the appellant payable to the writ petitioner. Hence this writ appeal.

4. Counsel for the appellant submits that the appellant was not at fault in retaining the amount of the writ petitioner intentionally and that as soon as it came to know that the said plot could not be allotted to him, it refunded the entire amount so deposited and therefore, the writ petitioner is not entitled for interest at the rate of 8% per annum. It is however argued that at best the entitlement of the writ petitioner for interest would be at the rate in between 3.5% and 6%. Writ petitioner, according to the counsel for the appellant, is also not entitled for cost of Rs. 10,000/- as imposed by the writ Court.

5. We have heard counsel for the appellant and gone through the order impugned and the documents enclosed with this appeal.

6. From the documents annexed to this Writ Appeal it is apparent that the appellant not only failed to fulfill the promise of allotting the particular plot to the writ petitioner but it did not even pay the interest on the huge sum deposited by him with it. The appellant is a development authority and had issued the advertisement pursuant to which the writ petitioner had applied for the plot. However, the appellant neither allotted the plot promised to the writ petitioner nor did it refund the amount with interest. Writ Court thus has been fully justified in awarding interest at the rate of 8% per annum and also in imposing the cost of Rs. 10,000/- payable to the writ petitioner. Writ Court has already taken a lenient view in doing so, otherwise the cost could have been much more.

7. Learned Single Judge has passed the order impugned keeping in mind all the aspects of the case and therefore, this Court does not see any reason to take a contrary view in the matter. Accordingly, the appeal has no substance and the same is hereby dismissed at the motion stage itself.

Sd/-
(Pritinker Diwaker)
Judge

Sd/-
(Gautam Chourdiya)
Judge