

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16172 of 2012

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Anup Kumar Gupta, S/O Late Gayani Das Gupta, Resident of Onkar Jewellers, Now Alka Jewellers, At Muradpur, P.S. Pirbahore, District - Patna - 800004, And Authorized Heir of Late Gyani Das Gupta

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Housing, Government of Bihar, Old Secretariat, Patna-800001
2. The Managing Director, Bihar State Housing Board, 6 Sardar Patel Marg, Patna - 1
3. The Manager Estate/Estate Officer, Bihar State Housing Board, 6 Sardar Patel Marg, Patna - 1
4. The Executive Engineer, Patna Division No. II, Bahadurpur, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sachida Nand Kishore Pd. Sinha, Advocate
For the Respondent/s : Mr. Anshuman Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

3 09-04-2019 Heard learned counsel for the petitioner and the respondents.

The petitioner was allotted land at Digha. He deposited the consideration amount, but during subsequent development the allotment has become meaningless now, as the Government has decided to regularize the transfer in favour of those, who were initially treated to be encroacher and illegal purchaser after acquisition of the land.

In view of the subsequent development, the Digha Acquired Land Settlement Act, 2010 was framed. Section 4



thereof, the Government have decided to refund the amount deposited by the allottees with interest.

Since the execution of allotment and handing over possession is now impossible, the petitioner has option to apply for refund of the amount paid.

Learned counsel for the petitioner submits that the petitioner has deposited the amount for transfer in favour of the petitioner long back and now if the amount so deposited by the petitioner is returned with interest at the rate of 8%, it would not be a proper refund, as the value of money has reduced phenomenally.

Since the Act provides for refund of amount with interest at the rate of 8% per annum, the Court cannot issue direction for payment of interest over and above 8%, accordingly, the Court directs the Housing Board to refund the amount with interest at the rate of 8% per annum within a period of 30 days from the date of receipt/production of a copy of this order. If the amount with interest is not returned to the petitioner within a period of 30 days from the date of receipt/production of a copy of this order, the Board shall be obliged to pay further interest at the rate of 10% per annum over and above 8% of interest, for the delayed payment beyond 30 days.



With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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