

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20244 of 2013

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Sudha Devi W/O Sri Praveen Kumar R/O Vill.- Sarmera, P.S. Sarmera In The District Of Nalanda. At Present-R/O Muhalla- M.I.G. Bahadurpur Housing Colony, Flat No. 32 Block No. 5 Sector- 3, P.S. Agamkuan In The District Of Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through its Principal Secretary, Building Construction And Housing Dept. Govt. Of Bihar Patna
2. The Managing Director, Bihar State Housing Board, Patna
3. The Secretary, Bihar State Housing Board, Bihar, Patna
4. The Superintending Engineer, Bihar State Housing Board, Patna
5. The Executive Engineer, Bihar State Housing Board, Patna
6. The Assistant Engineer, Housing Board Patna
7. The Assistant General Manager, I.D.B.I. Bank Main Branch, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the BSHB : Mr. Anshuman Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 09-08-2019 The present writ petition was filed initially for directing the Respondents-Bihar State Housing Board to register the flat in question i.e. Flat No. 32, Block No. 5 situated at Bahadurpur Housing Colony (MIG) without demanding any further amount since the petitioner had already paid the entire amount in 180 installments as per the higher purchase agreement dated 15.11.1991.

The learned counsel for the respondents-Bihar State Housing Board has submitted that the cost mentioned in the



higher purchase agreement was tentative and the same was estimated as Rs. 82,530/- as on 31.10.1984, which rose to Rs. 3,54, 200/- as on 31.3.1998 and the differential amount of tentative cost and revised cost after capitalization comes to a sum of Rs. 8.50 lakhs an odd, which further totals upto a sum of Rs. 9,17,097.72 as on 31.9.2015.

The learned counsel for the petitioner has submitted that the calculation chart produced by the respondents-Bihar State Housing Board does not depict the full details inasmuch as the said chart at item E, which is termed as “capitalized value of difference between revised cost and tentative cost” has been mentioned to be a sum of Rs. 8,50,172.67/- but no details thereof has been given.

The learned counsel for the petitioner has further submitted that the respondents-Bihar State Housing Board has further failed to give any details as to how and on what basis the petitioner is required to pay the additional amount though he had already paid the entire consideration / cost of the flat in 180 installments.

Considering the facts and circumstances of the case and the contentions raised by the respective counsel for the parties, this Court is of the view that in order to decide as to



whether the price estimated as on 31.9.2015 is proper or not, as also with a view to satisfy the petitioner that there is a rational behind the increase in cost, I deem it fit and appropriate to relegate the petitioner to the remedy of approaching the Managing Director, Bihar State Housing Board, before whom the petitioner shall file appropriate representation within a period of four weeks from today and the Managing Director, Bihar State Housing Board shall make an endeavour to get the calculation checked and redress the grievances of the petitioner with regard to the veracity of the claim being made by the Respondents belatedly and in case, it is found that there is some discrepancy in the claim amount, the same shall be reduced and a fresh demand would be raised upon the petitioner . In any case, the Managing Director, Bihar State Housing Board, Patna shall pass final orders within a period twelve weeks of the date of receipt of a copy of the representation of the petitioner herein.

The writ petition stands disposed of on the aforesaid terms.

In the meantime, status quo existing as on today, qua the flat in question, shall be maintained till the final disposal of the case of the petitioner by the Managing Director, Bihar State



Housing Board, Patna.

(Mohit Kumar Shah, J)

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