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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 27th September, 2019

+ LPA 288/2019

DR POORNIMA ADVANI & ANR Appellants
Through: Mr. Abhishek Puri, Adv.

versus

GOVT OF NCT & ANR Respondents
Through: Mr. Ramesh Singh, Standing Counsel,
GNCTD with Mr. Chirayu Jain &
Mr. Ishan Agrawal, Advs. for
GNCTD.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

D.N. PATEL, CHIEF JUSTICE (Oral)

1. This Letters Patent Appeal has been preferred by the original petitioner whose W.P.(C) No.9014/2017 was decided by the learned Single Judge vide judgment and order dated 20.08.2018 whereby the value of the e-stamp which is at Rs.28,10,000/- was ordered to be refunded.
2. The appellant has never argued before the learned Single Judge about the payment of interest upon the value of the e-stamp. The e-stamp was obtained by the original petitioner voluntarily on 06.07.2016. Thereafter, it was the contention of the appellant (original petitioner) that he lost the said e-stamp. The e-stamp was purchased for transfer of the land.

3. Thereafter, again e-stamp of the same value i.e. of Rs.28,10,000/- was purchased on 08.08.2016.
4. Thereafter, the appellant (original petitioner) preferred an application for refund which was not granted by the respondents as there was no provision for the refund. Hence, a writ petition was preferred by the appellant (original petitioner) being W.P.(C) No.9014/2017 which was decided by the learned Single Judge vide judgment and order dated 20.08.2018 and the said amount of the e-stamp at Rs.28,10,000/- was ordered to be refunded.
5. It further appears from the facts of the case that the aforesaid judgment and order was challenged by the Govt. of NCT of Delhi in LPA No.188/2019. By a detailed judgment and order dated 18.03.2019, the LPA preferred by the respondent herein was dismissed and the amount was ordered to be refunded.
6. Thus, it appears that the order passed by the learned Single Judge was confirmed by the Division Bench of this Court in LPA No.188/2019 vide judgment and order dated 18.03.2019.
7. As no arguments were canvassed by the appellant (original petitioner) before the learned Single Judge for payment of interest, the said issue has not been decided. For the first time, this issue of payment of interest upon Rs.28,10,000/- has been raised. Hence, we see no reason to entertain this Letters Patent Appeal. The principal amount has already been ordered to be refunded. Petitioner can file a review application if he has argued and the point is not decided about interest upon the principal amount before the learned Single Judge.

8. Counsel for the respondent has pointed out that the issue of interest was never raised by the appellant (original petitioner) when the writ petition was argued by the original petitioner.

9. With these observations, the Letters Patent Appeal is hereby dismissed.

CHIEF JUSTICE

C.HARI SHANKAR, J

SEPTEMBER 27, 2019

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