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IN THE HIGH COURT OF BOMBAY AT GOA

**WRIT PETITION NO.306 OF 2014
WITH
MISC. CIVIL APPLICATION NO.959 OF 2019
IN
WRIT PETITION NO.306 OF 2014**

GAUTAM PREMISES PVT. LTD.,
REP. HEREIN BY DNYANDEO ... Petitioners/
M. MEHER AND ANR. Applicants.

Versus

GOA HOUSING BOARD REP. HEREIN
BY ITS MANAGING DIRECTOR ... Respondent.

Mr Parikshit Sawant, Advocate *for the Petitioners/Applicants.*

Mr D. Lawande with Mr P. Dangui, Advocates *for the Respondent.*

**CORAM: PRAKASH D. NAIK &
BHARAT P. DESHPANDE, JJ.**

DATED: 6th October, 2023

P.C:

1. Heard both sides.
2. Vide Order of Allotment dated 15.05.2008, the Respondent Board allotted to the Petitioners four shops bearing Nos. A1-4, A1-5, A1-6 and A2-7 at the proposed commercial cum residential complex at Ganeshpuri, Mapusa, Goa at the total cost of ₹36,86,200/-. In

terms of Order of Allotment dated 15.05.2008, the Petitioners paid to the Respondent Board 40% of the cost of said four shops on 09.06.2008. The Petitioners were informed that the allotment of shops made to Petitioners is revoked.

3. The petitioners have challenged the order issued by the Respondents whereby the Respondent had cancelled the allotment of four shops.

4. The Petitioners have preferred Misc. Civil Application No.959/2019 seeking direction to Respondent to refund the amount of ₹14,74,480/- with interest @18% per annum from the date of depositing the amount. It is also prayed that upon payment of above amount of ₹14,74,480/- to the Petitioners, they may be permitted to withdraw the writ petition.

5. Learned Advocate for the Petitioners submits that Petitioners were allotted four shops bearing Nos.A1-4, A1-5, A1-6 and A2-7 in the commercial cum residential complex at Ganeshpuri, Mapusa, Bardez, Goa at a total cost of ₹36,86,200/- in terms of allotment order dated 15.05.2008. In terms of said allotment order, the Petitioner had deposited an amount of ₹14,74,480/- as 40% cost of the said shops. The Petitioner now decided to forego the claim in respect of the allotment in the event the entire amount deposited by the Petitioner along with the interest @18% is refunded to the Petitioner from the date of deposit till the date of its refund.

6. Learned Advocate for the Respondent submitted that the Board has taken a decision in its meeting held on 04.02.2021. The Extract of the minutes of meeting indicates that the Board after detailed deliberations, decided to refund entire deposit of 40% of cost i.e. ₹14,74,480/- along with 5% simple interest deposited towards the four shops bearing Nos. A1-4, A1-5, A1-6 and A2-7 at Ganeshpuri, Mapusa, Bardez, Goa. The photocopy of the Extract signed by Managing Director of Respondent is taken on record and marked as 'X' for identification.

7. In the light of the above-said factual matrix, we pass the following order:-

ORDER

- i. The Petitioners shall forgo their claim towards the allotted shops on receipt of the deposited amount of ₹14,74,480/- with accrued simple interest at 5% per annum from the date of deposit till the amount is refunded to the Petitioner.
- ii. The amount shall be refunded to the Petitioner by the Respondent within a period of three months from today.
- iii. On receipt of the amount as stated above, the writ petition stands disposed of as withdrawn.
- iv. Misc. Civil Application No.959/2019 is disposed of

BHARAT P. DESHPANDE, J.

PRAKASH D. NAIK, J.