



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.6524 of 2023

Vijay Ramaji Narnaware Versus Maharashtra Housing and Area Development Authority,
through its Chief Executive Officer, Mumbai and others

With

Writ Petition No.6527 of 2023

Vijay Kesharao Rahate Versus Maharashtra Housing and Area Development Authority,
through its Chief Executive Officer, Mumbai and others

With

Writ Petition No.6529 of 2023

Shrikant Dattatraya Kandge Versus Maharashtra Housing and Area Development Authority,
through its Chief Executive Officer, Mumbai and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.

Court's or Judge's order

Shri S.A. Chaudhari, Counsel for Petitioners.
Shri H.N. Verma, Counsel for Respondents.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : 3rd OCTOBER, 2023.

1. **Rule.** Rule made returnable forthwith and heard the learned counsel for the parties.

2. It is agreed by the learned counsel for the parties that in view of the adjudication in Civil Appeal No.10694 of 2017 by the Hon'ble Supreme Court in *Nagpur Housing and Area Development Board Versus Harivithal Timaji Ghuguskar*, dated 21-8-2017, the allottees of tenement are required to make payment at the rate of Rs.2,400/- per square meter alongwith simple interest at the rate of 6% per annum from the date of allotment till its actual payment. The petitioners herein claim refund of the amount which according to them has been paid in excess of what has been held in the aforesaid decision.

3. We find that a similar issue has been decided in Writ Petition No.5327 of 2018 (*Chandrakant S/o Rajhans Dhote Versus State of Maharashtra through its Chief Secretary, Housing Department, Mumbai*) decided on 25-7-2019. Considering the aforesaid adjudication, these writ petitions are disposed of by

holding that the petitioners are liable to pay the value of the lands allotted at the rate of Rs.2,400/- per square meter with simple interest at the rate of 6% per annum from the date of allotment till its actual payment. The second respondent shall furnish necessary calculation to the petitioners to enable them to make any deficit payment in that regard. At the same time, after making such calculation, if the second respondent has recovered excess amount, it would be duty-bound to refund the same to the petitioners. The entire exercise be carried out within a period of eight weeks from today.

4. Rule is disposed of in above terms with no order as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)