

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**I.A. No. 4504 of 2016**

**In**

**L.P.A No. 564 of 2014**

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M/s Excel Venture Construction Pvt. Ltd. .... Appellant.

Versus

The State of Jharkhand & others ...Respondents.

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**CORAM: HON'BLE MR. JUSTICE D.N. PATEL**

**HON'BLE MR. JUSTICE AMITAV K. GUPTA**

For the Appellant : Mr. M.S. Mittal, Sr. Advocate

Mr. Rahul Kumar, Advocate

For the State : J.C. to A.A.G.

For the JSHB : Mr. Sachin Kumar, Advocate

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**06/Dated: 2nd August, 2016**

**Oral order:**

**Per D.N. Patel, J.:**

**I.A. No. 4504 of 2016**

1. This interlocutory application has been preferred for amendment in the memo of appeal and for stay.
2. Having heard counsels for both the sides and looking to the contentions raised in this Interlocutory Application, it appears that the amendment will be useful for deciding the disputes between the parties. Moreover, if this amendment is allowed, it will not change the nature of the whole litigation between the parties and hence, this I.A. is allowed.
3. Necessary amendment shall be carried out by red ink in the memo of appeal or fresh amended Letters Patent Appeal may be supplied alongwith annexures within a period of one month from today.
4. Liberty is reserved with the respondents to file reply of the averments made in the amended memo of Letters Patent Appeal.
5. Looking to the facts and circumstances of the case, it appears that the flats have already been sold away by this appellant to the purchasers and they are also staying in the flats. There is a prima facie case in favour of this appellant. Balance of convenience is also in favour of this appellant and irreparable loss will be caused to the appellant if the stay, as prayed for, is not granted. We therefore, during pendency of final hearing of this Letters Patent Appeal, stay the operation, implementation and execution of letter dated 2nd June, 2016 issued by the Chief Engineer (Annexure-1) as well as the report

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given by the Committee dated 22nd January, 2016 which is communicated on 31st March, 2016 (Annexure-2).

6. Counsel appearing for the appellant, upon instructions from his client, voluntarily submitted that the following flats are in possession of the appellant and they voluntarily submitted that they shall not transfer these flats to anyone nor they utilize the same.

Sl Nos.	Block	Flat Nos.
1	B	108
2.	B	201
3.	B	302
4.	B	608

7. This Interlocutory application is allowed and disposed of, in view of the aforesaid observations.

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8. Having heard counsels for both the sides and looking to the contentious issues raised in this Appeal, this Letters Patent Appeal is **Admitted**.

9. Counsel for the respective respondents waives notice of **Admission**.

10. This matter will be enlisted under the heading "For Final Hearing" in the 2nd week of March, 2017 alongwith L.P.A. No. 45 of 2015 with allied matters.

**(D.N. Patel, .J.)**

**(Amitav K. Gupta, J.)**