

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).5381/2006

(From the judgement and order dated 14/12/2005 in LPA No. 409/2004
of the HIGH COURT OF JHARKHAND AT RANCHI)

JHARKHAND STATE HOUSING BOARD

Petitioner(s)

VERSUS

PREMNATHA NATH PAUL & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 01/12/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr. Ashwarya Sinha,Adv.
Mr. Aabhas Parimal,Adv.
for Mr. Ambhoj Kumar Sinha,Adv.

For Respondent(s) Mr. S. Chandra Shekhar,Adv.

UPON hearing counsel the Court made the following
ORDER

The only point which has been raised before us is that having regard to Regulation 45 of the Bihar State Housing Board Regulations, 1982 as adopted by the Jharkhand State Housing Board; although interest at the rate of 5% per annum is payable on the earnest money deposited by the applicants, the High Court was not correct in directing payment of interest at the rate of 9% per annum.

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The rate of interest envisaged under the aforementioned regulation would be attracted only in a case where the appellant-Board refunds the amount in terms thereof. Where, however, an allottee takes recourse to law because of the harassment meted out to him by the appellant-Board, we are of the opinion that the High Court in exercise of its power under Article 226 of the Constitution of India cannot be said to be denuded of its power to grant interest at a higher rate by way of compensating the allottees.

We, therefore, are of the opinion that this is not a fit case in which we should exercise our discretionary jurisdiction under Article 136 of the Constitution of India. The special leave petition is dismissed with costs. Counsel's fee is assessed at Rs. 5,000/-.

(A. S. BISHT)
COURT MASTER

(PUSHAP LATA BHARDWAJ)
COURT MASTER