

(2003) 03 PAT CK 0036
In the Patna High Court
Case No : C.W.J.C. No. 6630 of 2002

Sanjeev Kumar Singh

APPELLANT

Vs

The Managing Director, Bihar State Housing Board and Others

RESPONDENT

Date of Decision : 05-03-2003

Acts Referred:

Citation : (2003) 2 PLJR 513

Hon'ble Judges : R.S. Garg, J

Bench : Single Bench

Advocate : Jitendra Pd. Singh, for the Appellant; A. Amanullah, for the Respondent

Judgement

1. Heard learned Counsel for the parties.
2. The Petitioner, an allottee on 1.3.1990 was required to deposit a sum of Rs. 2,20,000/- for allotment of a flat. The Petitioner was required to make the deposit in some instalments. According to the Petitioner, the instalments were deposited but upto the year 1994 nothing was done nor even a brick was laid. Thereafter the Petitioner went from pillar to post but the Housing Board and its Officers proving their absolute incompetence did not start the work and wanted to revise the allotment amount. The Petitioner says that feeling absolutely frustrated of the delaying tactics adopted by the Housing Board, he made an application for refund of the money but the Housing Board is not ready and willing even to refund the amount. The further complaint is that the original allotment amount of Rs. 2,20,000/- has been revised twice and the Housing Board is now demanding a sum of Rs. 5,13,100/- as on 31.3.1997. He submits that the flats probably have been completed as alleged by the Housing Board, somewhere in the year 2000 and there is a guarantee that the Housing Board may again revise the price. The submission is that the Housing Board be required to refund the amount with usual interest.
3. Learned Counsel for the Housing Board submits that in accordance with the

rules and regulations of the Board in a case like present no interest would be paid but the Housing Board would refund the amount after making a deduction of 20 per cent of the deposited amount.

4. From the facts floating on the surface of the record it would appear that a flat which was to be completed in the year 1990 or immediately thereafter could be completed after ten years. The Petitioner had deposited the full amount in the year 1994. If the Housing Board did not do anything in the matter and was using and utilising the amount deposited by the Petitioner then ordinarily it would not be entitled to charge the revised rates or interest nor would be entitled to say that it would keep a cut of 20 per cent despite lapses on its part.

5. Taking into consideration the totality of the circumstances, I am of the view that the matter requires a probe by the Central Bureau of Investigation because the Housing Board is functioning in a manner which is detrimental to the interest of the public who are reposing confidence in it, it is using their money and is not providing them the property. It is not ready and willing to refund the amount even in cases where it is not in a position to give the possession of the flats or plots or is unable to remove the encroachments. The CBI shall fix the liability of the officers for whose lapses the flats could not be constructed.

6. Let the Registrar General of the Court refer the matter to the Superintendent of Central Bureau of Investigation for making an enquiry into the matter.

7. The concerned Investigating Officer shall make a detailed investigation into the total working and the manner in which the Housing Board has been spending money and into the conduct of the Managing Directors, present and past.

8. Let a copy of this order along with a copy of the petition and the counter affidavit along with annexures be sent to the Office of the Superintendent of the Central Bureau of Investigation from the Court's side. The said Superintendent of C.B.I, shall submit its interim report within a period of three months from the date of receipt of a copy of this order.

9. The matter be taken up for consideration on top of the supplementary list immediately after three months.