

ITEM NO.56

COURT NO.6

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No. 802/2019 in SLP(C) No.1281/2015

(Arising out of impugned final judgment and order dated 07-07-2017 in SLP(C) No. No. 1281/2015 passed by the Supreme Court Of India)

SUKHDEV RAJ GUPTA (D) THROUGH LRS. Petitioner(s)

VERSUS

THE CHANDIGARH HOUSING BOARD AND ANR. Respondent(s)

IA No. 28850/2019 - MODIFICATION)

Date : 13-02-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Umang Shankar, AOR

For Respondent(s) Mrs. Rachana Joshi Issar, AOR
Ms. Nidhi Tewari, Adv.
Mr. Svarit Unial Mishra, Adv.

Mr. Ritesh Khatri, AOR

UPON hearing the counsel the Court made the following
O R D E R

Mrs. Rachana Joshi Issar, learned counsel appears for the respondent No.1 - Chandigarh Housing Board.

2. In reference to the application (IA No.28850/2019), Mrs. Joshi refers to the short reply filed by the Chandigarh Housing Board. The prayer in the I.A. was to appropriately modify this Court's order dated 07.07.2017 to refund the money deposited by the applicant, with 12% interest. However, the Board's counsel points out from the pleadings in paragraph 10 of the application that the High Court has stipulated only 6% interest for the refund.

3. The following is reflected in paragraph 3 of the short reply of the Chandigarh Housing Board.

Para 3

"3. That it is submitted at the outset that the amount is deposited by the respondent No.2 (Applicant) has been refunded by the answering respondent with interest @ 6%. After receiving the notice of the said I.A No. 28850/2019 pursuant to the order dated 07.05.2019 of this Hon'ble Court, the following amounts have been refunded by the answering respondent to the respondent No.2 (Applicant):

Amount refunded	1	2	3	4	5
	<i>Principal Amount</i>	<i>Amount of Interest [as directed by the impugned order/judgment of the Hon'ble High Court] @ 6%</i>	<i>TOTAL</i>	<i>LESS : 10% deduction of income tax out of the interest amount</i>	<i>Balance amount refunded (1+2+4)</i>
	<i>1,50,000</i>	<i>2,59,771</i>	<i>4,09,771</i>	<i>25,977</i>	<i>3,83,794</i>

3. The above would show that the Board has computed the refundable sum as Rs.4,09,771/- and after statutory deduction, Rs.3,83,794/- was paid to the applicant. The said amount was remitted with 6% interest on the principal sum of Rs.1,50,000/-.

4. In view of the above and noting that the applicant is unrepresented, we deem it appropriate to order for closure of the case.

5. With the above order, the IA stands disposed of. The Miscellaneous Application along with pending application(s), if any, stand closed.

[DEEPAK JOSHI]
COURT MASTER

[KAMLESH RAWAT]
ASSISTANT REGISTRAR