

Court No. - 6

Case :- WRIT - C No. - 34545 of 2023

Petitioner :- Smt Dr Vandana Bansal

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Himadri Batra, Sr. Advocate

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State-respondent.

The present writ petition has been filed with a prayer to quash the recovery citation dated 22.09.2023 issued by the Tehsildar/Magistrate, Sadar, Prayagraj bearing RC No. BP525 (received by the Petitioner on 25.05.2023) for an amount of Rs. 27,50,175/- alongwith interest @ 1.5% per month from 11.03.2008 further prayed to restrain the respondents from taking any coercive steps in pursuance to the recovery citation dated 22.09.2023 issued by the Tehsildar/Magistrate, Sadar, Prayagraj bearing RC No. BP525 (received by the petitioner on 25.09.2023) for an amount of Rs. 27,50,175/- alongwith interest @ 1.5% per month from 11.03.2008 and further prayed to quash the order dated 06.09.2022 issued by Assistant Commissioner (Stamp), Prayagraj passed in Case No. 2175 of 2015 (State Vs. Hriday High Tech Builders Pvt Ltd.) Computer Case No. D20150203002175.

On 16.10.2023, the following order has been passed:-

"Heard Mr. Anurag Khanna, learned Senior Advocate, assisted by Ms. Himadri Batra, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

Learned counsel for the petitioner submits that an unregistered Memorandum Of Understanding (MOU) was entered into between petitioner's husband, namely, Dr. Ashwani Kumar Bansal and M/S Hriday Hitech Builders (P) LTD. After the death of petitioner's husband, without any notice or opportunity of hearing to the petitioner, the orders impugned have been passed for recovering the deficiency of stamp duty, which cannot be done as per provisions of Section 29(c) of Indian Stamp Act.

Learned Standing Counsel prays for and is granted two weeks' time to obtain instructions in the matter.

Put up as fresh on 31.10.2023.

Till the next date of listing, no coercive action shall be taken against the petitioner, pursuant to the orders impugned. "

On the basis of instruction learned Standing Counsel submits that notice was issued on 07.09.2021 but the same has returned unserved.

In view of the aforesaid, the matter is remitted back to the court concerned, a fresh notice may be issued to the petitioner and after obtaining the objections, the concerned authorities are directed to decide afresh in accordance with law by means of a reasoned and speaking order, preferably within a period of three months from the date of production of a certified copy of this order, if there is no other legal impediment.

Till the final orders passed, the recovery pursuant to impugned orders shall be kept in abeyance.

Order Date :- 31.10.2023

Arti