

Court No. - 19

Case :- WRIT - B No. - 1274 of 2024

Petitioner :- Kaustubh Colonisers And Developers Thru.
Partner Rakesh Agarwal

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. And
Another

Counsel for Petitioner :- Ram Ujagir Verma, Sachin Verma

Counsel for Respondent :- G.A.

Hon'ble Manish Mathur, J.

Heard learned counsel for petitioner and learned State Counsel for opposite parties.

Petition has been filed challenging order dated 31.01.2024 passed by the Board of Revenue in Appeal No. SAPP/3374 of 2023, whereby petitioner's appeal instituted under Section 56 of the Indian Stamp Act, 1899 has been rejected on the ground that despite delay of three years in challenging order passed under Section 47-A of the Act, there was no application for condonation of delay.

Learned counsel for petitioner submits that order impugned has been passed on erroneous assumption since the appeal under Section 56 of the Act was preferred alongwith an application for condonation of delay and therefore also the order impugned has been passed against the material on record.

Learned State Counsel has refuted submissions advanced by learned counsel for petitioner with the submission that in case petitioner alleges a mistake on the part of Court concerned, it is always open to him to file an application seeking recall of the order.

Upon consideration of submissions advanced and perusal of material on record, it appears that by means of order dated 31.01.2024, appeal preferred by petitioner under Section 56 of the Stamp Act has been rejected primarily on the ground of delay of three years without any application for condonation of delay.

In the considered opinion of this Court, in case petitioner alleges a mistake on the part of Court concerned in recording such a fact, it would be appropriate for him to first approach the authority of Court concerned for rectification of such error, if

any.

In view of aforesaid, liberty is granted to petitioner to file a recall application before the authority of the Board of Revenue concerned against order dated 31.01.2024 which shall be considered and decided expeditiously, in accordance with law preferably within a period of three weeks from the date a certified copy of this order is brought on record in case there is no other legal impediment.

The aforesaid time frame shall be subject to cooperation by petitioner in early disposal of the proceedings.

With aforesaid directions, petition stands **disposed of**.

Order Date :- 18.12.2024

Satish