

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO.8439 OF 2015**

Western Chemical Industries (P) Ltd. and Anr. ] ... Petitioners

Versus

The State of Maharashtra – Through ]  
Chief Secretary, Revenue Department and Ors. ] ... Respondents

Mr. Abhijeet A. Joshi & Mr. Dhananjay B. Deshmukh i/b Nigel Quraishy for Petitioners.

Mr. A. Kango, A.G.P., for Respondent Nos.1 and 2.

**CORAM :- M. S. SONAK, J.**

**DATE :- SEPTEMBER 07, 2015**

**P. C. :-**

1. Rule.

2. With the consent of and at the request of learned Counsel for parties, Rule is made returnable forthwith.

3. The challenge in this petition is to the order dated 05/08/2015 passed by the Sub-Registrar, Mumbai, declining to accept Deed of Transfer dated 01/10/2014 for registration on the ground that the same was presented for registration on 30/07/2015 i.e. beyond the prescribed period of four months in terms of Section 23 of the Registration Act, 1908 ('the said Act').

4. The Petitioners, by application dated 30/07/2015, had explained the circumstances in which the Deed of Transfer dated 01/10/2014 was being presented for registration on 30/07/2015. the explanation was that the said Deed was submitted to the Collector of Stamps for adjudication on 29/10/2014 and the adjudication order was made by the Collector only on 04/07/2015. In terms thereof, the Petitioners, without prejudice to their right, have paid the adjudicated stamp duty on 27/07/2015 and thereafter submitted the Deed for registration on 30/07/2015. The Petitioners relied upon the decision of the Division Bench of this Court in the case of ***Nestor Builders & Developers Pvt. Ltd. and Anr. Versus State of Maharashtra and Ors.***<sup>1</sup>

5. If the impugned order dated 05/08/2015 is perused, it is clear that there is no consideration whatsoever of the explanation furnished by the Petitioners, in the matter of presentation of the Deed dated 01/10/2014 for registration on 30/07/2015. Such consideration was essential, particularly in view that the Division Bench of this Court in the case of ***Nestor Builders & Developers Pvt. Ltd.*** (*supra*) has held that the time taken by the Collector of Stamps for adjudication is required to be excluded, in the matter of accepting documents for registration. On this short ground, the impugned order dated 05/08/2015 is required to be set aside, and is hereby set aside.

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<sup>1</sup> Writ Petition No.1480 of 2013, decided on 24<sup>th</sup> June 2015

6. Accordingly, the Sub-Registrar, Mumbai, is directed to consider Petitioners' application dated 30/07/2015 (Exh.5 – page 180) in the light of the law laid down by this Court in the case of *Nestor Builders & Developers Pvt. Ltd.* (*supra*) and to take an appropriate decision in the matter within a period of 30 days from the date of production of authenticated copy of this order.

7. Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

8. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)

**CERTIFICATE**

Certified to be true and correct copy of the original signed  
Order.