

CWP No. 15264 of 2014 (O&M)
DECIDED ON: AUGUST 14, 2015

SANJEEV KOHLI

.....PETITIONER

VERSUS

STATE OF PUNJAB & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE JASPAL SINGH

- 1. Whether Reporters of local papers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Present: Mr. Rajinder Sharma, Advocate
for the petitioner.

Mr. Rajesh Bhardwaj, Addl. AG, Punjab.

Mr. Naresh Prabhakar, Advocate
for respondents No.2 to 4.

SURYA KANT, J (ORAL)

Petitioner impugns the order dated 13.11.2013 (P-14) whereby, Sub Registrar, SAS Nagar, Mohali has demanded stamp duty charges for the registration of Conveyance Deed of Plot No. 294, Phase-XI in SAS Nagar, Mohali.

2. Petitioner's case is that he is not liable to pay the above-mentioned charges for the reasons and the facts stated hereinafter.

3. It is an admitted fact that the petitioner was allotted commercial site No. 288 in Phase-XI, SAS Nagar, Mohali measuring 500 Sq. Yards for a sale

consideration of ₹23,30,000/- vide allotment letter dated 04.07.2002. The plot was allotted through a public advertisement. The petitioner deposited the entire sale consideration and “No Due Certificate” dated 16.09.2002 was issued. Thereafter, he applied for the execution of Conveyance Deed, which was duly registered on 17.12.2008 vide Vasika No. 1 in the office of Sub Registrar, SAS Nagar, Mohali. The petitioner obviously paid the stamp duty charges for such registration.

4. The petitioner was, however, not given physical possession of the plot on the plea that after re-demarcation, it was not feasible to carve out that plot at the site. The Greater Mohali Area Development Authority (GMADA) then allotted alternative plot to the petitioner bearing Plot No. 294 of the same size and in the same sector/area and at the same rate. The petitioner thus, applied for execution of Conveyance Deed of the alternative plot where only the number of the plot had changed. As the Sub Registrar is insisting for deposit of stamp duty charges, the aggrieved petitioner has approached this Court.

5. In view of the admitted fact that the petitioner had earlier deposited the stamp duty charges for the registration or Conveyance Deed of Plot No. 288, Phase-XI, SAS Nagar, Mohali and the allotment of that plot stands cancelled for no fault on his part, as it was not feasible for the authorities to hand over the allotted plot and an alternative plot has been given to him, we are satisfied that at least petitioner is not liable to deposit the stamp duty charges again. In other words, the stamp duty charges deposited by the petitioner in respect of Plot No. 288 are liable to be adjusted against Plot No. 294.

6. Ordered accordingly.

7. The Sub Registrar, SAS Nagar, Mohali is directed to do the needful

within one month. As regards the sanctioning of building plan, the petitioner may approach the competent authority in GMADA. We decline to entertain the request of the petitioner for the award of damages, as for such a relief he may approach the Consumer Forum, if so advised.

8. Disposed of.

(SURYA KANT)
JUDGE

(JASPAL SINGH)
JUDGE

AUGUST 14, 2015
SHAM