

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 723 of 2016

M/s Kshipra Iron And Steel India Private Limited Through Director- Krishna Kumar Agrawal, S/o Shri Vishwanath Agrawal, Aged About 39 Years, R/o 39 Parakh Complex, Station Road, Durg, Tahsil & District Durg, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Revenue, Mahanadi Bhavan, Mantralaya, New Raipur, Raipur, (Chhattisgarh)
2. Commissioner, Durg Division, District Durg, (Chhattisgarh)
3. Collector Of Stamps, District Rajnandgaon, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri K.P.S. Gandhi, Advocate
For Respondent-State	:	Shri B. Gop Kumar Dy.A.G.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/03/2016

1. This petition has been filed by the petitioner aggrieved by order dated 16.2.2016 of the Board of Revenue whereby the second appeal of the petitioner has been dismissed.
2. Learned counsel for the petitioner argued that the Collector of Stamp, First Appellate Authority and the Second Appellate Authority committed gross illegality in holding the petitioner liable for payment of entire stamp duty ignoring that the petitioner was not responsible for delay in commencement of industrial

production and the case of the petitioner has been that due to unavailability of necessary equipments and security, to be provided to the petitioner by the State Govt., the petitioner could not commence production within the time stipulated.

It is also submitted by learned counsel for the petitioner that while computing the registration fee, the valuation of the property has been exaggerated ignoring that the plot was not situated on the main road and, therefore, was not liable to be valued at the market valuation for the purposes of registration fee also.

3. The facts which are not in dispute that the petitioner was issued a certificate on 5.3.2005 by the District Industries Center, Rajnandgaon by which the petitioner was granted exemption from payment of stamp duty in view of industrial policy of providing exemption to new industries subject to the conditions that the petitioner was required to commence production within a period of 2 months.

It is also not in dispute that the petitioner could not commence production of the industrial unit within the time stipulated which led to cancellation of exemption granted in its favour.

4. The petitioner's submission that he could not commence production because of proper amenities and security were not provided by the State, is completely unfounded and baseless. No material was placed by the petitioner before this Court nor reflected from order passed by the authority to show that for delay in production, the authority granting exemption was responsible. The ground is as vague as it could be.

Therefore, the Collector of Stamp, Commissioner and the Board of Revenue have not committed any illegality or perversity in holding that on account of withdrawal of exemption certificate, petitioner is liable to pay more stamp duty with interest. It has to be noted that at this stage that there is no order or declaration in favour of petitioner by any competent authority or by any Court of law that withdrawal of exemption was illegal.

5. As far as registration fee part is concerned, the petitioner never joined issue on

this aspect ever since the date of its registration. The valuation of the property recited in the sale deed for the purposes of registration fee was not challenged. The petitioner did pay registration fee on the basis of that valuation which was arrived at the time of registration of the document. Such valuation was based on the then existing guidelines of the market value.

It is only when the petitioner instituted challenge to demand of stamp duty due to withdrawal of exemption that the petitioner has also raised, for the first time, the issue with regard to registration fee, purely based on valuation of the property. Therefore, on this ground also, no interference is warranted.

6. The petition is without merit and is therefore dismissed.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge