

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2297 OF 2016

Bindu Vayu Urja Pvt. Ltd.

.. Petitioner

-Versus-

Chief Controlling Revenue Authority
and Ors.

..Respondents

Mr. G.S.Godbole with S. Shah, Ms. Soumiya Putter, Ms. Kinjal Shah i/b
Soloman & Co. for petitioners
Mr. C.P.Yadav, AGP for State.

CORAM : ANOOP V. MOHTA &
G.S.KULKARNI, JJ
DATE : 26th February 2016.

P.C.

1] Not on board. Taken on Production Board.

2] Heard the learned Counsel for the petitioners. The urgency as pointed out on behalf of the petitioners is that a notice is issued on 12th January 2016 by the District Registrar, Class I and Collector of Stamps by which the property belonging to the petitioner is sought to be attached for recovery of the stamp duty on the indenture of mortgage executed between the petitioner and the Industrial Development Financial Corporation Ltd.

3] Learned Counsel for the petitioner submits that statutory appeal has been filed by the petitioners under the provisions of Maharashtra Stamp Act, 1956 pertaining to the said document, on which the demand is

so raised. The appeal is pending adjudication before the Chief Revenue Controlling Authority, State of Maharashtra being the appellate authority. An application for stay of the impugned notice is also filed along with the appeal.

4] Learned Counsel for the petitioner states that the appellate authority is not available to consider the application for stay and the appeal, so filed by the petitioner, The petitioner apprehends that the concerned authority may take coercive steps even when the appeal and the stay application is pending.

5] Considering the above circumstances, we are, therefore, inclined to direct the petitioner to appear before the appellate authority on 15th March 2016. The authority shall pass an order on the stay application as filed by the petitioner in accordance with law. In the meanwhile, there is no question of taking any coercive steps based upon the impugned notice dated 12th January 2016. All contentions of parties are kept open. Petition is disposed of accordingly with the above directions.

(G.S.KULKARNI, J)

(ANOOP V. MOHTA, J)