

FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9924/2016

|                                                                                                           |                           |
|-----------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders | Court's or Judge's orders |
|-----------------------------------------------------------------------------------------------------------|---------------------------|

Mr. P. K. Dhakephalkar, Senior Advocate i/b. J. G. Reddy for the petitioner

Mrs. Neha Bhide, "B" Panel Counsel for the respondents

**CORAM : K. K. TATED, J.**

**DATE : AUGUST 25, 2016**

**P.C.:**

1. Heard. By this petition under Article 227 of the Constitution of India the Petitioner challenges the order dated 29.06.2016 passed by the Additional Controller of Stamps, Mumbai in Appeal No.GSO/32-B/23/2015 remanding the matter to the Collector for deciding on its own merits. At the time of remanding, the authority directed the Collector of Stamps to direct the petitioner to deposit sum of Rs.2.50 crores in advance.

2. The learned senior counsel for the petitioner submits that there is no provision under the Act, whereby a party is required to deposit advance before the collector of Stamps. Hence, the

condition imposed by the Additional Collector of Stamps, Mumbai and order dated 29.06.2015 directing to deposit of Rs.2.50 crores are liable to be set aside. He submits that at the time of passing this order, the authority has made a reference to the order passed by this court in Writ Petition No.4627/2015. He submits that, that petition was withdrawn by the petitioner to file an appropriate proceedings before the authority. Hence, there is no question of directing the petitioner to deposit sum of Rs.2.50 crores in advance.

3. When this court called upon the learned AGP to explain under which provision the authority has directed the petitioner to deposit a sum of Rs.2.50 crores before hearing their appeal, the learned AGP, after taking instructions from their officer, states that there is no provision whereby the authority can direct the petitioner to deposit such amount. She submits that she received instructions that the authority is going to decide the revaluation proceedings within two weeks from today.

4. Considering the submissions made by the learned senior counsel for the petitioner and as there is no provision under the Act whereby the authority can direct the petitioner to deposit a sum

of Rs.2.50 crores in advance and as the respondent is going to decide the revaluation proceedings within two weeks from today, following order is passed:

- a. Petition is partly allowed.
- b. Condition imposed by the Additional Collector of Stamps Mumbai at the time of passing the order dated 29.06.2015 directing the petitioner to deposit sum of Rs.2.50 crores is set aside.
- c. The authority to decide revaluation proceedings as early as possible on its own merits.
- d. No order as to costs.

**JUDGE**