

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11708 OF 2016

WITH

CIVIL APPLICATION NO. 2639 OF 2016

Godrej Landmark Redevelopers Pvt.Ltd. ...Petitioner

Versus

State of Maharashtra & Ors. ...Respondents

Mr. Prasad Dani, Senior Advocate, a/w Mr. Aditya Sikka, i/b
Bharucha & Partners, for the Petitioner.

Ms. Aparna Vatkar, AGP, for the Respondent-State.

CORAM : K.K. TATED, J.
DATE : 7th October 2016

P.C. :

1 . Not on board. At the request of the learned Counsel for
the Petitioner, matter is taken on board for urgent orders.

2. Heard the learned Senior Counsel Mr. Dani for the
Petitioner and learned AGP Ms. Vatkar for the Respondent-State.

3 . By this petition under Article 227 of the Constitution of

India the Petitioner plaintiff challenges the Judgment dated 16th August 2016 passed by Chief Controlling Revenue Authority, Pune in Revision Case No. 97 of 2014 and the letter dated 19th September 2016 by which the Authority called upon the Petitioner to pay stamp duty of Rs. 2,87,27,625/- with fine of Rs. 5,74,548/-.

4. The learned AGP Ms. Vatkar appearing on behalf of the Respondent-State seeks time to take instructions and if necessary to file Affidavit in Reply.

5. The learned Senior Counsel Mr. Dani appearing for the Petitioner submits that the Petitioner has already paid stamp duty for individual flats in the said scheme. He submits that by this Judgment and Notice, Respondent is calling upon the Petitioner to pay stamp duty on Tripartite Development Agreement dated 29th March 2012. This is contrary to the provisions of the Maharashtra Stamp Act. Considering these facts, the following order is passed:-

(a) Office is directed to place the matter on board for Admission on 21st November 2016.

(b) The Respondent to file their Affidavit in Reply, if any, on or before 27th October 2016 and served copy to the otherside.

- (c) The Petitioner to file Affidavit-cum-undertaking that in case the order goes against them, they will pay the entire amount with interest immediately. The said to be filed within one week from today and served a copy on the otherside.
- (d) Till next date, the Respondents are restrained from taking coercive action against the Petitioner as per Judgment dated 16th August 2016 in Revision Case No. 97 of 2014 and the letter dated 19th September 2016 issued by Collector (Stamp), Mumbai.
- (e) The learned Senior Counsel Mr. Dani seeks liberty to withdraw the Civil Application No. 2639 of 2016. Same is permitted. The Civil Application stands disposed of as infructuous.

6. Stand over to 21st November 2016.

[K.K. TATED, J.]