

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.10633 of 2016

Date of Decision:26.05.2016

Harpreet Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. G.S. Nagra, Advocate for the petitioner.

RAKESH KUMAR JAIN, J.(Oral)

This petition is filed to challenge the order dated 1.4.2016 (Annexure P.7) passed by the Commissioner, Rupnagar Division, Rupnagar vide which appeal filed by the petitioner against the order dated 27.7.2009 passed by the Collector has been dismissed.

In short, SCF No.78, Phase-6, Mohali was allotted by PUDA to one Chanchal Singh on 1.7.1987. It was purchased by the petitioner vide sale deed No.1114 dated 8.5.2009. At the time of conveyance deed, the Sub Registrar impounded the sale deed on the ground that since the petitioner is the real allottee, therefore, he has to pay more stamp duty whereas the contention of the petitioner was that he shall be liable to pay the stamp duty as per the allotment rates. It is further contended by counsel for the petitioner that in view of notification Annexure P.3 dated 8.12.2009, which clarifies the notification dated 11.11.2009, by which the Punjab Stamp (dealing of under-valued instruments) Rules, 1983 effective from 2.3.2009 were notified that "As has been clarified, in Para No.2 above the word

“who” refers to the, original allottee. Therefore, the transfer by original allottee to first allottee is covered for the concession of conveyance deed on original allotment price”. It is submitted that the petitioner had brought this clarification to the notice of the Commissioner but it has not been considered at the time when the impugned order was passed.

Be that as it may, if, according to the petitioner, contention was raised before the competent authority during the hearing of the appeal and is not decided by him one way or the other, then the petitioner has a right to move an application for review/recall of the said order. Consequently, this petition is disposed of with liberty to the petitioner to file an application for recall/review of the order dated 1.4.2016 passed by the Commissioner to consider the aforesaid facts and circumstances emanating from the notification dated 8.12.2009.

May 26, 2016
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(RAKESH KUMAR JAIN)
JUDGE