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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1882/2014**

VARDHMAN PROPERTIES LTD.

..... Petitioner

Through Mr. Sanjay Goswami, Advocate &
Mr. K Bhimraj Achary, Advocate

versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through Ms. Isha Khanna, Advocate for R-1
Ms. Biji Ramesh, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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18.05.2016

Vide notice under Section 40 of the Indian Stamp Act, 1899, deficient duty, on account of stamp duty and transfer duty, along with penalty was demanded by the respondent, from the petitioner. Petitioner filed WP (C) No. 8161/2005 which was disposed of vide judgment Vardhman Properties Ltd. vs Collector of Stamps Govt. Of NCT of Delhi, 2007 AIR (Del) 214 whereby said notice was set aside and respondent was directed to re-work the duty in the manner as indicated in the judgment. LPA filed by the respondent was dismissed by the Division Bench. SLP has also been dismissed during the pendency of present writ petition.

By the present petition, the petitioner has prayed for refund of the amount of excess transfer duty in view of the Vardhman Properties (supra), along with interest @ 24% per annum.

During the pendency of writ petition, the excess amount has already been refunded on 16th May, 2016. Thus, prayer in this regard has become infructuous. I do not deem it fit to order for avail of interest in this case, in as much as, vide Vardhman Properties (supra) the respondent has not ordered for payment of interest.

Writ petition is disposed of in above terms.

A.K. PATHAK, J

MAY 18, 2016/sm