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

+ W.P.(C) 3677/2016 & C.M.No.15747/2016

VIMAL KUMAR SAIGAL

..... Petitioner

Through Mr.Divyanshu Goyal with Mr.Vivek
Kumar Saigal, Advocates.

versus

OFFICE, COLLECTOR OF STAMPS AND ORS

..... Respondents

Through Ms.Tanuja Basera, Advocate for R- 1
to 3.
Mr.Nikhil Goel with Mr.Ashutosh
Ghade, Advocates for DDA.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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02.05.2016

Present writ petition has been filed challenging the orders dated 16th April, 22nd July, 17th August, 2013 and 2nd July, 2015 whereby the Collector of Stamps without any reasons has refused to accede to the petitioner's request for refund of stamp duty.

It is the petitioner's case that the petitioner had been allotted Unit No. 204, LSC, Pocket D and E, Sarita Vihar by the DDA in 2007. The petitioner was provided with four copies of conveyance deed on 20th March, 2007 and he accordingly deposited an amount of Rs. 2,86,020/- as stamp duty vide Challan No. 59611. However, the petitioner never got the conveyance deed registered from the Sub-Registrar.

In November 2011 when the petitioner visited the Sub-Registrar's Office for the purpose of registration of the conveyance

deed, he was informed that the same could not be registered and the petitioner would have to pay the required stamp duty again and then seek refund of the amount of duty paid.

Learned counsel for the petitioner states that the petitioner got fresh conveyance deed issued from the DDA and paid stamp duty once again in 2011.

On 23rd January, 2012 after the execution of subsequent conveyance deed, the petitioner made an application to the respondent for refund of stamp duty paid by the petitioner in 2007. The DDA verified the facts and endorsed the petitioner's application for refund of excess stamp duty, but the same has been rejected by an unreasoned order.

Learned counsel for the petitioner states that by virtue of Section 49 of the Indian Stamp Act, 1899 as well as the office order dated 3rd January, 2003 issued by the Divisional Commissioner, the petitioner is entitled for refund of stamp duty.

Issue notice.

Ms.Tanuja Basera, Advocate accepts notice on behalf of respondent nos. 1 to 3 and Mr. Nikhil Goel, Advocate accepts notice on behalf of proforma respondent no.4/DDA. They, however, state that they have no instructions in the matter.

Keeping in view the limited controversy in the present case, this Court does not deem it appropriate to direct the respondents to file their counter-affidavits and disposes of the present writ petition by directing the respondent no.1 to decide the petitioner's applications dated 23rd January, 2012 and 5th June, 2015 at pages 54 and 85 of the paper book, by way of a reasoned order within a period of eight weeks. The impugned unreasoned orders are set aside.

With the aforesaid directions, the writ petition and the application stand disposed of.

Order dasti under the signatures of Court Master.

MANMOHAN, J

MAY 02, 2016
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