

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 70 OF 2014
IN
LETTERS PATENT APPEAL NO.37 OF 2014**

The Chief Controlling Revenue Authority & Ors.

..Applicants

Vs.

Balmer Lawrie & Co. Ltd. & Anr

..Respondents

Ms Kavita Solunke AGP for State/ Applicant

**Dr. Birendra Saraf a/w Mr. Jonathan Jose i/b Udwadia Udeshi & Argus
Partners for the Respondents**

CORAM :R. M. SAVANT, &

SMT. SADHANA S JADHAV JJ

DATE : 4th JULY, 2017

P.C.

1 By the above Civil Application, the Applicants / Appellants i.e. the Chief Controlling Revenue Authorities and Ors., seek stay of the execution and implementation of the judgment and order dated 14-12-2011 passed in Writ Petition No.4866 of 2002. The said Writ Petition was part of a group of Petitions involving a common issue. The Learned Single Judge of this Court by the said judgment and order dated 14-12-2011 has allowed the said Petitions and has thereby set aside the orders passed by the Respondent. However, in so far as the amount of Rs.1 crore is concerned, the Learned Judge had granted stay of 12 weeks. The Division Bench of this Court in the above Civil Application which at the relevant time was on stamp number passed an order dated 5-9-2014, whilst admitting the above LPA and issued directions in the

above Civil Application that the amount of Rs.1 crore deposited with the Collector of Stamps shall be appropriated by the Respondent towards the payment of stamp duty on the lease deed which was by then executed between the Petitioners and CIDCO. In view of the said order dated 5-9-2014, the relief sought vide the above Civil Application has turned infructuous. The Civil Application is accordingly disposed of as being turned infructuous.

[SMT SADHANA JADHAV, J]

[R.M.SAVANT, J]