

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4189 OF 2017

Idea Cellular Ltd. & Anr.

.. Petitioners

vs.

State of Maharashtra & Ors.

.. Respondents

Mr.Prasad Dani, Sr.Counsel a/w Ms.Utkarsh Srivastava i/b
M/s.Bharucha and Partners for the petitioner

Mr.S.H.Kenkal, A.G.P. for the respondent nos.1 to 5

CORAM : K. K. TATED, J.

DATE : JUNE 7, 2017

PC.:

1 Not on board. At the request of Advocate for the petitioner, matter is taken on board for urgent orders.

2 Heard.

3 By this petition under Article 227 of the Constitution of India, the Petitioner is challenging the order dated 25.10.2016 passed by respondent no.2 and subsequent demand notice.

4 The learned counsel for the petitioner submits that the respondent by letter dated 11.11.2016 Annexure-B and letter dated 23.2.2017 Annexure-C called upon the petitioner to pay sum of

Rs.3,74,60,800/- towards the stamp duty with 2% penalty. He submits that subsequently they received notice dated 11.4.2017 as well as 19.5.2017 for hearing in the present proceedings. He submits that he received instruction from his client that if respondents are ready to give them hearing on the subject matter to the present petition, they may be permitted to withdraw the petition.

5 At this stage, the learned A.G.P for the respondent after taking instruction from his client i.e. Mr.Anil Pandurang Parkhe, Joint District Registrar and Collector of Stamps, Pune City and Mr.Shantaram Anant Wagh, Junior Clerk, Joint District Registrar Office, Pune makes a statement that they are withdrawing the notices dated 11.11.2016 Annexure-B and 23.2.2017 Annexure-C. He further submits that they are ready and willing to give fresh hearing to the petition for determining the amount due and payable by them towards the stamp duty. To that effect, respondents have given in writing on Farad. Same is taken on record and marked 'X' for identification. Same is accepted.

6 The learned Senior Counsel for the petitioner submits that in view of withdrawal of the notices dated 11.11.2016 and 23.2.2017 by the respondent, petitioner may be permitted to withdraw the petition with liberty to file fresh representation along with relevant documents within 30 days from today. Same is accepted. Hence, following order is passed:

a) Respondents are allowed to withdraw the notices dated 11.11.2016 Annexure-B and 23.2.2017 Annexure-C.

b) Petitioner to file their fresh representation along with all

relevant documents to the respondent within 30 days from today.

- c) Respondent to decide the matter on its own after giving fresh hearing to the petitioner.
- d) If representation is not made by the Petitioner within stipulated time as stated hereinabove, respondents State are eligible to execute the impugned order.
- e) Petition stand disposed of as withdrawn.

(K.K.TATED, J.)