

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

WRIT PETITION NO.4968/2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Vishal Kanade i/b. Kanga & Co. for the petitioner

Mr. Padmakar Rokade, Collector of Stamps (Enforcement – 2), Mumbai present.

Mr. S. Kankal, AGP for respondent Nos.1 to 3.

CORAM : K. K. TATED, J.

DATE : JULY 11, 2017

P.C.:

1. Heard. By this petition under Article 227 of the Constitution of India the Petitioner challenges the order dated 02.12.2013 passed by the Chief Controlling Revenue Authority, Maharashtra State, Pune in Revision Case No.195/2013 and the order dated 16.03.2015 passed by the Collector of Stamps, Enforcement No.2, Mumbai in Case No.ADJ/163-A/06M holding that the petitioner had to pay stamp duty of Rs.22,80,600/- on deed of assignment dated 09.05.2006.

2. The main contention of the petitioner is that the order dated 02.12.2013 passed by the Chief

Controlling Revenue Authority, Maharashtra State, Pune was *exparte*. Because, they never received a copy of the notice from that office.

3. The learned AGP for State, after taking instructions from his officer who is present in court, makes a statement that they are ready and willing to withdraw the order dated 02.12.2013 passed by the Chief Controlling Revenue Authority, Maharashtra State, Pune in Revision No.195/2013. He further submits that they are ready to give full opportunity to the petitioner to file their pleadings and appear before the Authority. The statement made by the learned AGP is accepted.

4. Considering these facts, by consent of the parties, following order is passed:

a. The impugned order dated 02.12.2013 passed by the Chief Controlling Revenue Authority, Maharashtra State, Pune in Revision No.195/2013 and order dated 16.03.2015 passed by the Collector of Stamps, Enforcement No.2, Pune in Revision Case No.195/2013 is set aside.

b. Revision Case No.195/2013 is remanded back to the Chief Controlling Revenue Authority, Maharashtra State, Pune for rehearing on its own merits.

c. The petitioner to remain present before the Chief Controlling Revenue Authority, Maharashtra State, Pune on 04.08.2017 at 11.00 am.

d. Liberty granted to the petitioner to file their pleadings, if any, on or before 04.08.2017.

e. Chief Controlling Revenue Authority, Maharashtra State, Pune is directed to decide the revision case No.195/2013 on its own merits, without being influenced by the earlier orders and after giving opportunity of hearing to the petitioner.

f. The Writ Petition stands disposed of accordingly.

g. Parties to act on an authenticated copy of the order.

JUDGE