

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

WRIT PETITION (ST.) NO.35459 OF 2017

Samvara Buildtech Private Limited .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

**ALONG WITH
WRIT PETITION (ST.) NO.35464 OF 2017**

Microtec Construction Private Limited .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

Mr.Janak Dwarkadas, Senior Advocate a/w Mr.Sidharth Samantaray,
Mr.Rahul Dwarkadas, Ms.Prachi Dhanani and Mr.Shyam Gopal i/by
M/s.Veritas Legal for the petitioner in both the petitions.
Mr.S.H.Kankal, AGP for the respondent no.1-State.

**CORAM : R.D. DHANUKA, J.
DATE : 20th December 2017**

P.C.:

. Mr.Dwarkadas, learned senior counsel for the petitioner invited my attention to the order dated 20th September 2017 passed by the Deputy Inspector General of Registration and Deputy Controller of Stamps, Konkan Division, Thane which is impugned by the petitioner in this writ petition.

2. The appeal filed by the petitioner is rejected mainly on the ground that since the objection is regarding determination of scope of documents, appeal may be made to the Chief Controller, Revenue Authority under Section 53(1) of the Maharashtra Stamps Act.

3. Learned senior counsel, on instructions, states that the petitioner would file appropriate proceedings under Section 53(1) before the Chief Controller, Revenue Authority in terms of the impugned order passed by the Deputy Inspector General of Registration and Deputy Controller of Stamps, Konkan Division, Thane within four weeks from today and would apply for stay of the impugned order before the concerned authority in the proceedings proposed to be filed under Section 53(1) of the Maharashtra Stamps Act. Statement is accepted.

4. In view of the statement made by the learned senior counsel for the petitioner, Authority shall not take any coercive steps against the petitioner to implement the impugned order for a period of six weeks from today. All contentions raised by both the parties are kept open. It is made clear that if the appeal is not filed within four weeks from today, interim order passed by this Court to stand vacated without further reference to the Court.

5. A perusal of the order annexed at Exhibit 'B' passed by the Joint District Registrar and District Stamp Collector, Thane City, Thane indicates that by the said order order, the petitioner was informed that if the order was not acceptable, the petitioner can file an appeal against that order under Section 32(B) of the Maharashtra Stamps Act before the Deputy Controller of Stamps, Konkan Division, Thane. Based on the said direction issued by the Joint District Registrar and District Stamp Collector, Thane City, the petitioner herein preferred an appeal before the Deputy Inspector General of Registration and Deputy Controller of Stamps, Konkan Division, Thane. The said proceedings were pending before the the Deputy Inspector General of Registration and Deputy

Controller of Stamps, Konkan Division, Thane till 20th September 2017 when the said appeal was rejected on the ground that proper remedy would be under Section 53(1) of the Maharashtra Stamps Act before the Chief Controller, Revenue Authority.

6. In these circumstances, if any application for condonation of delay is made by the petitioner before the Chief Controller, Revenue Authority by invoking Section 14 of the Limitation Act, 1963 the Chief Controller, Revenue Authority shall condone the delay.

7. Writ petitions are disposed of in aforesaid terms. No order as to costs. Parties to act on the authenticated copy of this order.

R.D. DHANUKA, J.