

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2369 OF 2016

Bharat Harwani ... Petitioner
Vs.
The Collector of Stamps (Enforcement II Mumbai)
and others ... Respondents

Mr. Rajendra V. Pai a/w. Mr. A.R.Pai i/b. Ms Neuty N. Thakkar for Petitioner.
Ms Geeta R. Shastri, Additional G.P. for Respondents-State.

CORAM : R. G. KETKAR, J.
DATE : JUNE 28, 2017

P.C. :

Heard Mr. Pai, learned Counsel for petitioner and Ms Shastri,
learned Additional G.P. for respondents-State at length.

2. By this Petition under Article 226 of the Constitution of India, petitioner has challenged the judgment and order dated 18.09.2015 passed by the respondent No.2, Chief Controlling Revenue Authority, Maharashtra State, Pune. By that order, respondent No.2 found that the office of Collector of Stamps, Mumbai is short levied with stamp duty of Rs.1,03,27,250/-. Respondent No.2 directed the petitioner to deposit that amount against short levy of stamp duty within 30 days of receipt of the order, or otherwise penalty as per law.

3. Rule. Ms Shastri waives service for respondents. At the request and by consent of the parties, Rule is made returnable forthwith and the Petition is taken up for final hearing.

4. Ms Shastri, upon taking instructions, submits that the impugned order may be set aside and the proceedings may be remitted to the

second respondent for deciding the same afresh. Mr. Pai submits that all contentions raised by the petitioner may be kept open and petitioner may be permitted to produce the additional documents, if so advised.

5. In view thereof, by consent of the parties, impugned order is set aside and the proceedings are restored before the second respondent. All contentions raised by the petitioner are expressly kept open. Petitioner is also at liberty to produce additional documents, if so advised. Rule is made absolute accordingly with no order as to costs.

(R. G. KETKAR, J.)

Minal Parab