*IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.*

CWP No. 21086 of 2013
Date of decision: 5.5.2017

General Manager Telecom District BSNL

Petitioner

vs.

State of Punjab and ors

Respondent

Present: Mr. Anil Rathee, Advocate.
Ms. Anu Pal, AAG, Punjab

**M.M.S.BEDI,J.**

Vide order dated 8.3.2013 (Annexure P-15), Commissioner, Jalandhar Division while exercising the powers of statutory authority under Section 47-A ( 4) of Indian Stamp Act, 1899 has dismissed the appeal confirming order dated 31.1.2011 passed by the Collector by observing as follows:-

> " I have considered the written arguments advanced by counsel for the appellant and have also gone through the record on file. The order of the collector is self speaking and call for no interference. The appeal is dismissed."

The main grievance of the petitioner is that the property measuring 4055 sq. yds situated in Grain Market, Dasuya had been purchased for a sum of Rs. 3,85,22/- and the payment in the regard was made by way of two bank drafts. The legal question, which has been raised, involves the controversy regarding the status of the petitioner whether it would be deemed to be a Govt. department exempted from stamp duty payable on an instrument of sale on the ground that the property had originally been purchased by the Department of Telecommunication, Government of India, which subsequently was bifurcated into BSNL and Department of Telecommunication.

It appears that no serious efforts had been made by the petitioner to produce the relevant material before the Collector and the Commissioner to establish its status as a State agency or a department, which is entitled to exemption from stamp duty.

The writ petition is allowed. Order dated 8.3.2013 (Annexure P-15) is hereby set aside being a non speaking order, having been passed without considering the pleas raised before the Commissioner, Jalandhar Division. Let all the pleas of fact and law be raised before the Commissioner, Jalandhar Division on 19.7.2017 or on any other day, convenient to the said Authority. It is expected that a speaking order will be passed by taking into consideration the material produced by the petitioner pertaining to the non imposition of stamp duty. The pleas raised by the petitioner in the present writ petition will be available to the petitioner.

May 5 ,2017 ` ( M.M.S.BEDI )
TSM JUDGE

Whether speaking/ reasoned Yes/ No

Whether Reportable Yes/ No