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

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CWP No.25387 of 2017
Date of Decision: November 08, 2017

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Bhupinder Kumar and others

. . . . Petitioners

Vs.

State of Punjab and others

. . . .Respondents

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CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

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Present: Mr.Lakhwinder Singh Sidhu, Advocate,
for the petitioners.

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RAKESH KUMAR JAIN, J.

The petitioners have challenged the order dated 25.5.2015 passed by respondent No.4 whereby he has ordered them to pay ₹38,27,250/- as deficient stamp duty along with interest @ 12% per annum and order dated 27.7.2016 passed by the Commissioner, Faridkot Division, Faridkot whereby appeal filed by the petitioners under Section 47-A(4) of the Indian Stamp Act, 1899 [for short 'the Act'] has been dismissed.

In brief, it is averred in the petition that proforma respondents No.7 to 9 were the owners of land measuring 81 kanals situated in the area of village Budhlada, District Mansa, which was purchased by the petitioners on 18.11.2014 at the rate of ₹17,00,000/- per acre against total sale consideration of ₹2,02,50,000/-. The Sub Registrar, Mansa his vide letter No.1396/RC dated 18.11.2014 forwarded the sale deed to the Collector for initiating proceedings in terms of Section 47-A of the Act on the ground that after few minutes of the registration of sale deed an application was received through FAX in which it was alleged that the parties had to execute the agreement to sell regarding the land in question @ ₹62,00,000/- per acre but they have executed the sale deed @ ₹17,00,000/- per acre in order to evade stamp duty by undervaluing the sale deed. The petitioners were served with a notice by respondent No.4 under Rule 4(1) of the Punjab State (dealing of Undervalued Instruments(Rules, 1983 and vide his order dated 25.5.2015, held that the value of the land in the sale deed should have been ₹6,27,75,000/- and were directed to deposit the Stamp Duty on the remaining sale consideration of ₹4,25,25,000/- of an amount of ₹38,27,250/- with interest @ 12% per annum on the deficient stamp duty from the date of registration of sale deed till its realization in view of Section 2 of the Registration (Punjab Amendment) Act, 2004 notified by the Punjab Government on 24.8.2004. The appeal filed against the order dated 25.5.2017 was dismissed by the Commissioner on 27.7.2016 on the ground that the petitioners have failed to controvert the facts mentioned in the complaint as well as agreement to sell as they remained absent from the Court of the Collector.

Learned counsel for the petitioners has submitted that the impugned orders are patently erroneous, illegal and cannot be maintained as the land in dispute was agricultural for which the Collector rate was ₹17,00,000/- and thus the value was rightly declared.

The argument of the petitioners cannot be accepted because it is an admitted fact that they did not contest the petition before the Collector despite the fact that the sale deed was registered in favour of as many as 167 persons. Learned counsel for the petitioners has also failed to give any cogent reason for their not contesting the petition before the Collector.

Consequently, there is no controvertion to the fact that the petitioners had agreed to purchase the property at a different rate which is reflected in the agreement to sell but they actually executed the sale deed at a different rate by undervaluing the same. Thus, in view of the aforesaid, I do not find any merit in the present petition and the same is hereby dismissed.

(RAKESH KUMAR JAIN)
JUDGE

NOVEMBER 08, 2017
Vivek

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*