

Anand

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2066 OF 2018
IN
WRIT PETITION NO. 10215 OF 2018

Vivek Gopal Joshi .Applicant

Vs.

The State of Maharashtra through .Respondents
the Principal Secretary of Revenue Dept. & ors.

Mr. Atul Damle, Senior Counsel i/b. Mr. V. V. Ugle, Advocate, for
the Applicant

Mr. S. H. Kankal, AGP, for the Respondent Nos. 1 to 5 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 09.10.2018

P.C.

. By this Application, the Applicant has sought the
following reliefs;

(a) That pending the hearing and final disposal of the present petition, the Respondent No. 6 be directed to defreeze the account and/or amount of the applicant maintained with the Respondent No. 6 being Bank Account No. 04510100003247 subject to the conditions that the applicant shall maintain present balance in the said accounts on such terms as this Hon'ble court may deem fit and proper in the matter;

(b) That interim and ad-interim reliefs in terms of prayer (a) above be granted;

(c) That for such other and further reliefs as this Hon'ble Court may deem fit and proper.

2. At the outset, learned Senior Counsel for the Applicant submits that the Applicant without prejudice to his rights & contentions in the main Petition is ready to give a Bank Guarantee for a sum of Rs. 22,92,050/-, pending orders in the Writ Petition. He submits that the said Bank Guarantee will be submitted by the Petitioner with to the Collector of Stamps, Pune (Rural).

3. Learned AGP states that the Applicant be directed to deposit the entire amount i. e. the amount towards stamp duty as well as penalty i. e. the total amount of Rs. 45,38,270/-.

4. The main Petition is pending, in which the Applicant has impugned the orders passed by the Collector of Stamps, Pune (Rural) as well as by the Appellate Authority. The Applicant has also questioned the right of the Respondent to pass the impugned order under Section 46 of the Maharashtra Stamp Act. Having regard to the same, at this stage, in view of the statement made by the learned Senior Counsel for the Applicant, it would be

appropriate to direct the Applicant to give a Bank Guarantee of Rs. 22,92,050/-, without prejudice to his rights & contentions, pending further orders in the Writ Petition. The said Bank Guarantee to be deposited with the Collector of Stamps, Pune (Rural) within one week from today. On the Applicant's depositing the Bank Guarantee, the Collector of Stamps, Pune (Rural), shall within 48 hours intimate the concerned Bank i. e. The Branch Manager, Bank of Baroda for de-freezing the Applicant's Bank Account, being Account No. 04510100003247. The Applicant is also at liberty to furnish proof of the deposit of Bank Guarantee before the Branch Manager, Bank of Baroda, who shall telephonically verify the same with the Collector of Stamps, Pune (Rural) and forthwith de-freeze the said account. The aforesaid order is an interim order pending further orders in the Writ Petition. All contentions of the parties are kept open.

5. The Application is allowed on the aforesaid terms and is accordingly disposed off.

All concerned to act on the authenticated copy of this
order.

(REVATI MOHITE DERE, J.)