

nsc.

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

CIVIL WRIT PETITION NO.12702 OF 2018

1. Ashok Raghunath Mane
Age. 49, Occu: Business
2. Deepak Ashok Mane
Age. 29, Occu: Business
Both residing at Sector No.25,
Plot no.55, Nigdi Pradhikaran,
Pune 411 044.
3. Sachin Vasant Jare
Age. 29, Occu: Business
4. Shivling Vasant Jare
Age. 29, Occu: Business
5. Vishwanath Vasant Jare
Age. 29, Occu: Business,
All residing at Manisha Housing Society,
Chikhli, Tal:Haveli, Dist: Pune 4112114.

...Petitioners

Versus

1. The State of Maharashtra through
Chief Controller (Revenue Authority) and
Inspector General of Registration and
Controller of Stamp, Maharashtra State, Pune,

2. The Deputy Inspector General of Registration and Deputy Controller of Stamp, Pune Region, Pune.
3. The Joint District Registrar I and Collector of Stamps, Pune Rural,
5, Finance Road, Govt Photo Registry Building,
1st Floor, Opp. B.J.Medical Girl Ladies Hostel,
Pune – 411 001.
4. The Sub-Registrar, Maval, Vadgaon Maval,
District : Pune. ...Respondents

Mr.Rohan Savant a/w Mr.P.M.Jadhav, for the Petitioners.

Mr.Akshay Shinde, A.G.P. 'B' Panel for the Respondent Nos.1 to 4.

CORAM : REVATI MOHITE DERE, J.

DATE : 2nd NOVEMBER, 2018

P.C. :

1. Heard learned counsel for the parties.
2. It is not in dispute that the Petitioners appeal is pending before the Respondent No.2 i.e. Deputy Inspector General of Registration and Deputy Controller of Stamp, Pune Region, Pune. It is also not in dispute

that the Respondent No.3 i.e. Joint District Registrar I and Collector of Stamps, Pune Rural, had created a charge on the Petitioners property dated 25th October, 2017. It is not in dispute that the valuation of the property on which charge is created is over 4 ½ crores. In addition to the charge that was created on the Petitioners property on 25th October, 2017, the Collector of Stamps, Pune Rural, Pune freezed 19 accounts of the Petitioners, the details of which have been set out on page nos.73 and 74 of the Petition and an additional copy has been tendered today, giving details of few more accounts, during the course of the arguments. The total amount in all the 19 accounts which have been frozen is about 52 lakhs odd.

3. Learned Counsel for the Petitioners submitted that there was no justification, for the Respondents to freeze the Petitioners 19 accounts in addition to the charge, which was created on the Petitioners property on 25th October, 2017. He submitted that the Petitioners are however, ready to give a bank guarantee of Rs.20 lakhs, without prejudice to their rights and contentions in the Appeal, which is pending, before the Respondent No.2.

4. Since, the Petitioners Appeal is pending before the Respondent

No.2 i.e. Deputy Inspector General of Registration and Deputy Controller of Stamp, Pune Region, Pune, it is not necessary to consider the Petition on merits. Suffice to state, that a charge has already been created on the Petitioners property, the valuation of which is more than 4 ½ crores, whereas, the stamp duty payable is about Rs.39 lakhs odd. The Petitioners are ready to give a bank guarantee of Rs.20 lakhs, to the Respondent No.2, without prejudice to their rights and contentions in the Appeal, which is pending, within a period of two weeks from today.

5. In view of the statement and undertaking given by the learned counsel for the Petitioners, on the instructions of the Petitioners, that the Petitioners are ready and willing to deposit a bank guarantee of Rs.20 lakhs, without prejudice to their rights and contentions, all the bank accounts which are mentioned on page nos.73 and 74 of the Petition, as well as five accounts with Kotak Mahindra Bank, given on a separate sheet, handed over today, stand defreezed forthwith.

6. The Petitioners to comply with their statement and undertaking and deposit the bank guarantee, without prejudice to their

rights and contentions in the Appeal, which is pending before the Respondent No.2 and deposit the bank guarantee with the Respondent No.2, within two weeks from today.

7. The Respondent No.2 to decide the Appeal as well as the stay application, as expeditiously as possible and in any event within eight weeks from the date of receipt of this order.

8. Petition is accordingly disposed of on the aforesaid terms. All contentions of all parties are kept open.

9. Learned A.G.P to forthwith communicate the aforesaid order to the Respondent No.2 i.e. Deputy Inspector General of Registration and Deputy Controller of Stamp, Pune Region, Pune, who in turn will communicate the said order to the General Manager of Saraswat Bank and Kotak Mahindra Bank, so as to ensure that all the freezed accounts of the Petitioners are defreezed by tomorrow i.e. 3rd November, 2018 or Monday i.e. 5th November, 2018.

10. Stand over to 19th November, 2018. To be listed under the caption of 'for recording compliance'.
11. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)