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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11232/2018

M/S BHARAT HOTELS LTD.

..... Petitioner

Through: Mr Darpan Wadhwa, Sr. Advocate
with Mr Parvinder Chauhan, Mr
Pallav Pandey and Mr Sharad
Sharma, Advocates.

versus

COLLECTOR OF STAMPS/SDM (CHANAKYA PURI)
AND ANR.

..... Respondents

Through: Mr Ramesh Singh, Standing Counsel,
GNCTD with Mr Chirayu Jain and
Ms Nikita Goyal, Advocates for
respondent.
Ms Puja Kalra, Mr Yoginder Handoo,
Mr Virender Singh and Mr Nishant
Kumar, Advocates for R-2/NDMC.
Ms Monika Arora, CGSC with Mr
Harsh Ahuja and Mr Kushal Kumar,
Advocates for UOI.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **25.10.2018**

CM No. 43612/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 11232/2018 & CM No.43611/2018

2. The petitioner has filed the present petition, *inter alia*, praying as
under:-

- “(i) Issue a writ, order or direction in the nature of certiorari thereby calling forth to itself the records of the respondent pertaining to the impugned order dated 26.06.2018 (Annexure – P/2);
- (ii) Also call forth to itself the records of the Ld. CCRA pertaining to the Revision Petition filed by the Petitioner herein vide diary No.19341 dated 19.07.2018;
- (iii) Also call forth to itself the records of the Respondent pertaining to the notice dated 31.08.2018 (Annexure-P/14);
- (iv) After perusal of the records so called forth, issue a writ, order or direction in the nature of certiorari thereby setting aside and quashing the impugned order dated 26.06.2018 (Annexure – P-2) passed by the Respondent;
- (v) Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned notice dated 31.08.2018 (Annexure – P/14).

Or, in the alternative,

- (vi) Issue a writ, order or direction in the nature of prohibition thereby restraining the Respondent from, in any manner, enforcing the demand made vide the impugned order dated 26.06.2018, during the pendency of the revision petition before the Ld. CCRA;
- (vii) Award the cost of the proceedings in favour of the Petitioners and against the Respondent.”

3. The principal grievance of the petitioner is that the proceedings have been initiated for recovery of the stamp duty under Section 136 of the Delhi Land Reforms Act, 1954 (hereafter ‘the Act’) although, the petitioner’s revision petition is pending consideration before the Chief Controlling Revenue Authority. Mr Ramesh Singh, learned counsel appearing for the respondent fairly states that the proceedings before the Assistant Collector

under Section 136 of the Act may be directed to be deferred till the decision is rendered by the Chief Controlling Revenue Authority. He, however, submits that this should be subject to the condition that the petitioner shall not take any adjournment before the Revisional Authority. Mr Wadhwa, learned senior counsel appearing for the petitioner is agreeable to the same.

4. In view of the above, the present petition is disposed of with the following directions:-

- a) The proceedings under Section 136 of the Act – which this Court is informed is now listed on 29.10.2018 – shall be deferred till the Chief Controlling Revenue Authority takes a final decision in respect of the revision petition filed by the petitioner (CCRA – 118/2018).
- b) The petitioner shall not take any adjournments in the said matter (this Court is informed that the next date of hearing is fixed as 07.12.2018).
- c) The respondent shall furnish its reply filed in the revision petition to the petitioner within a period of one week from today.

5. The pending application is also disposed of.

6. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

OCTOBER 25, 2018
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