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

+ W.P.(C) 13182/2018 & CM No. 51172/2018

CITIUS REAL ESTATE (P) LIMITED Petitioner

Through: Mr Parvinder Chauhan, Advocate.

versus

COLLECTOR OF STAMPS/SDM (HQ) Respondent

Through: Mr Gautam Narayan, ASC for
GNCTD with Ms Shivani Vij,
Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **07.12.2018**

1. Issue notice. Learned counsel for the respondent accepts notice.
2. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(b) After perusing the records which may be summoned by this Hon’ble Court in terms of prayer (a) above, issue a writ, direction, order in the nature of mandamus there by directing the respondent to refund the Stamp Duty paid against E-Stamp paper No. IN- DL94299245494081N dated 18.04.2015;

3. On 18.05.2015, the petitioner had purchased an e-stamp paper in the value of ₹12,22,315/- in respect of a proposed sale/purchase of immovable property. It is the petitioner’s case that the said stamp paper could not be utilised as the no objection certificate (NOC) for the said transaction was not issued.

4. On 15.06.2016, the petitioner made an application for refund of the stamp duty enclosing therewith the original e-stamp paper.
5. The petitioner's grievance is that the petitioner's application has not been processed as yet and the petitioner has received no information in this regard.
6. The learned counsel appearing for the respondent states that the said application has possibly not been processed since it was beyond the period of six months from date of purchase of the stamp paper. The above contention does not appear to be merited as the issue is squarely covered by the decision of the Coordinate Bench of this Court in ***Dr Poornima Advani & Anr. v. Govt. of NCT of Delhi & Anr.: W.P.(C) 9014/2017*** decided on 28.02.2018.
7. In this view, this Court considers it apposite to direct the respondent to consider the petitioner's application in accordance with law and having referred to the decision of this Court in ***Dr Poornima Advani & Anr. v. Govt. of NCT of Delhi & Anr. (supra)***. It is so directed. The petitioner's application would be decided as expeditiously as possible in any event not later than eight weeks from today.

VIBHU BAKHRU, J

DECEMBER 07, 2018
MK