

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13344 OF 2018

Millenium Orchid CHS Ltd

.. Petitioner

Versus

The Collector (Stamp Duty) & Ors.

.. Respondents

-
- Mr. J.P. Kharge for the Petitioner
 - Mr. A.I. Patel, Addl. G.P. for the State
 - Ms. Nishtha Mohanty i/by Mr. Kartik Garg for Resp Nos. 1 to 7 & 9
 - Ms. Akansha Helaskar i/by A.M. Kulkarni for CIDCO
-

CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.

DATE : OCTOBER 9, 2019.

P.C.:

1. The petitioner is a cooperative housing society comprising of purchasers of residential units constructed by respondent Nos. 2 to 9 - developers. The sole prayer in the petition is for direction to respondent Nos. 2 to 9 to pay the deficit court fees of Rs. 20,91,650/- and fine of Rs. 66,93,280/- and to register the lease deed concerning the property in question.

2. Learned counsel Mr. Kartik Garg for respondent Nos. 1

to 7 and 9 placed on record copy of revalidation agreement dated 29.9.2018 which we are informed is duly stamped and registered. In view of these developments, substantial portion of the petitioner's grievance stands resolved.

3. Learned counsel for the petitioner, however, submitted that the said respondents have been visited with the notice for payment of penalty by the Stamp Authorities. Whatever be the position of the said proceedings, the petitioner can and has, therefore, correctly not challenged the notice. It would be upto respondent Nos. 2 to 9 to defend themselves in such proceedings and with that respect, we express no opinion. In any case, the direction as sought as against the private respondents cannot be issued in exercise of writ jurisdiction. The petition is, therefore dismissed.

[S.J. KATHAWALLA, J.]

[AKIL KURESHI, J]