

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST)NO.30768 OF 2019

Sony Pictures Networks India Private Limited  
(formerly known as Multi Screen Media Pvt.  
Ltd.)

... Petitioner

versus

The State of Maharashtra and Ors.

... Respondents

Mr.Prakash Shah a/w Jas Sanghvi i/b PDS  
Legal for the Petitioner.

Mrs.Geeta R. Shahstri-Special Counsel  
a/w Mr.M.M.Pable- AGP for State.

CORAM :- S. C. DHARMADHIKARI &  
R.I.CHAGLA, JJ.

DATE :- DECEMBER 11, 2019

P.C. :-

1. Heard both sides.
2. By this short order, the writ petition is disposed of.
3. A communication from the Joint Sub-Registrar-1, Borivali-Respondent No.3 to this petition is the reason for institution of this writ petition. By that communication, the petitioner is informed that the Sub-Registrar will take steps to enforce the order. The petitioner apprehends that the Sub-Registrar may, in enforcement and execution of the order, take coercive measures,

but the petitioner has filed an appeal against the order of the adjudicating authority. That appeal is still pending. The petitioner is called upon to pay the differential stamp duty without the appeal being disposed of or the petitioner being provided an opportunity to apply for stay in the pending appeal.

4. The petitioner says that nothing can be attributed to the petitioner for the enormous delay in disposal of the appeal. The appeal is pending from the year 2017. Now, by the impugned communication dated 30<sup>th</sup> November, 2019, the recovery proceedings are threatened to be concluded. The petitioner apprehends that this would render the appeal infructuous.

5. On such a petition, which was mentioned in the morning session, we called upon Ms.Shastri, learned Additional Government Pleader, High Court, Original Side to take instructions from the respondents as to when that appeal will be disposed of.

6. She says that appellate authority is based at Pune. However, the appellate authority will hear the petitioner on this appeal on 24<sup>th</sup> December, 2019. Ms.Shastri says that the petitioner should not insist on separate intimation of date and time of hearing of the appeal. The appeal will be heard at 11.30 a.m. on that date.

The further instructions to Ms.Shastri are that the appeal would be disposed of within three months from the date of conclusion of hearing.

7. She also says that no coercive measures will be taken to recover the differential stamp duty till the disposal of the appeal. All the statements made by Ms.Shastri, on instructions, are accepted as undertakings given to this Court.

8. The writ petition is disposed of by clarifying that this Court has not expressed any opinion on the merits of the appeal.

9. Once the statements of Ms.Shastri are accepted as undertakings given to this Court, the apprehension of the petitioner that the differential stamp duty will be recovered by coercive means does not survive.

(R.I.CHAGLA, J.)

(S.C.DHARMADHIKARI, J.)