

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1630 OF 2019
WITH
NOTICE OF MOTION NO. 288 OF 2019
IN
WRIT PETITION NO. 1630 OF 2019**

Shubh Apartment Co-operative Housing Society
Ltd & Ors

...Petitioners

Versus

State of Maharashtra & Ors

...Respondents

**Mr Rajiv Narula, i/b Jhangiani Narula & Associates, for the
Petitioners.**

Ms Geeta Shastri, Addl. GP, for the Respondent-State.

Dr Dadarao Datkar, Collector of Stamps, present.

**CORAM: S. C. DHARMADHIKARI &
G.S. PATEL, JJ**

DATED: 21st August 2019

PC:-

1. The Notice of Motion was placed before us on the earlier occasions and we had on 26th July 2019 recorded statements of Ms Geeta Shastri appearing for the Respondent-State. That order dated 26th July 2019 reads as under:

“1. After the Notice of Motion and Writ Petition were heard for some time, Ms. Shastri, on instructions of Dr. Dadarao Datkar, Collector of Stamps, who is present in Court, says that out of thirty instruments lodged with the Collector of Stamps, Mumbai, on eight instruments, the necessary computation and calculation of stamp duty has been made and those eight instruments have been returned to the individuals. As far as the balance twenty two instruments lodged with this office is concerned, the requisite steps in accordance with law will be taken and within two weeks the original instruments will be returned to the respective parties.

2. As far as the other relief is concerned and stated to be the main relief, Ms. Shastri says that she has instructions to contest the petition and she would, therefore, revert back on the next occasion.

3. Accepting the statements made by Ms. Shastri, on instructions, as undertakings given to this Court, we place this matter on 9th August, 2019 on the “Supplementary Board”.”

2. Today, it is stated that in the matter of M/s. Shubh Apartment Cooperative Housing Society Limited and others, orders are passed in relation to all pending instruments lodged with the Respondents particularly the Respondents Nos. 2 to 5.

3. The instruments in all these matters except three (original instruments) can be collected by the Petitioners. These three instruments cannot be returned as they stand impounded. The adjudication with regard to differential stamp duty thereon is

pending and after that is concluded, even these three instruments can be returned.

4. The Applicants may dispute the power to impound these three instruments and would urge that the impounding is contrary to law, but we are not concerned with that aspect of the matter. If we bears in mind the prayers in the Motion, they are categorical. The prayer is to direct the return of 30 agreements submitted by the Petitioner for adjudication along with application dated 21st December 2013. We have ensured return of almost all of them.

5. The Notice of Motion is disposed of in these terms. There will be no order as to costs.

6. Place the Petition for admission in due course.

(S. C. DHARMADHIKARI, J)

(G. S. PATEL, J)