

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2967 OF 2019**

Vasundhara Builders & Developers	.. Petitioner
Vs.	
The Secretary, Revenue and Forest Department, State of Maharashtra & Ors.	.. Respondents

Mr.S.A. Abhyankar a/w. Ms. Nisha Agarwal, Ms. Punam Shokhi for petitioner.

Mr.S.B. Gore, AGP for respondent Nos.1 to 4-State.

**CORAM : N.J. JAMADAR, J.
DATE : 12TH DECEMBER 2019**

P.C.

1. Heard the learned counsel for the petitioner.
2. The challenge in this petition is to an order of remand passed by the Additional Controller of Stamps on 14th March 2019, whereby the appeal preferred by the petitioner came to to be allowed and the Collector of Stamps was directed to rehear the petitioner and pass appropriate order to adjudicate the duty afresh. In the order, the appellate authority has adverted to the fact that the Collector of Stamps has not considered the documents in respect of tenancy of rest of the twelve tenants.
3. The petitioner urged that this is the second occasion when the matter is remitted back to the Collector of Stamps. Since all the documents were available on record, the appellate authority could have decided the appeal without remitting the matter back to the Collector of Stamps.

4. Having regard to the nature of the order wherein it is specifically observed that the Collector of Stamps has not considered the documents, which have a bearing on the adjudication of stamp duty, no fault can be found with the impugned order.

5. It was submitted on behalf of the petitioner that the matter is pending for adjudication with the authorities since long, and as the instrument is executed on 6th January 2015, the successive remands are causing prejudice to the petitioner. This grievance can be taken care of by directing the Collector of Stamps to adjudicate the stamp duty within a stipulated period.

6. The petition stands disposed of with a direction to the Collector of Stamps, Borivali to adjudicate the stamp duty on the instrument dated 6th January 2015, in conformity with the directions of the Additional Controller of Stamps vide order dated 15th March 2019, within a period of two months from the appearance of the petitioner before the Collector of Stamps. The petitioner shall appear before the Collector of Stamps, Borivli within two weeks of uploading of this order .

7. The petition stands disposed of accordingly.

[N.J. JAMADAR, J.]