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

Date of Decision: 15th November, 2019

\+ LPA 278/2019

GOVT OF NCT OF DELHI COLLECTORS OF STAMPS ..... Appellant

Through: Mr. Ramesh Singh, Standing Counsel (GNCTD) with Mr. Ankur Chhibber, Mr. Chirayu Jain & Mr. Nikunj Arora, Advs.

versus

CTA APPARELS PVT LTD ..... Respondent

Through: Mr. Amit Sibal, Sr. Adv. with Mr.Venancio D'costa, Mr. Divij Kumar & Mr.Rohit Jolly, Advs.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, Chief Justice *(Oral)*

1. This appeal has been preferred by the **original respondent** in **W.P.(C) No. 3587/2018**. The writ petition was preferred by the present respondent challenging an order passed by **Collector of Stamps** (hereinafter referred to as **'Collector'**) **dated 22nd July, 2017**. The learned Single Judge allowed the writ petition and the order **dated 22nd July, 2017** passed by the Collector as well as the order passed by the Additional District Judge **dated 16th March, 2018** were quashed and set aside and the matter was remanded to the Collector for the determination of the value of the property in question for payment of stamp duty under **the Indian Stamp Act, 1899** (hereinafter

referred to as '**the Act, 1899**').

2. **FACTUAL MATRIX**

- For the property in question *ad measuring* 1100 sq. yds. which situate at 66-A, Friends Colony (East), New Delhi-110065, a sale deed has been entered into between the respondent (original petitioner) and the purchaser for ₹36,00,00,000/-. The sale deed is dated **12th September, 2016** and the stamp duty paid by the respondent (original petitioner) is ₹2,16,00,000/-.
- The registering authority objected that there was under valuation in the transaction so far as payment of stamp duty under Indian Stamp Act, 1899 is concerned because prevailing circle rate is higher.
- The registering authority referred the matter to the Collector for fixing the market value under the provisions of the Indian Stamp Act, 1899 especially, under **Section 47A** thereof [as amended by **the Indian Stamp (Delhi Second Amendment) Act, 2001**].
- Collector *vide* order **dated 22nd July, 2017** has passed an order on the basis of the circle rate. No sale deeds of the surrounding properties were ever produced by the Collector and no copies of the same were given to the respondent (original petitioner). The documents and the sale deeds which were relied upon by the Collector, were never given to the respondent (original petitioner) and the market value was decided for the purpose of determination of stamp duty.
- Appeal was preferred by the respondent (original petitioner) before Additional District Judge who dismissed the appeal *vide* order **dated 16th March, 2018**.
- Being aggrieved and feeling dissatisfied by an order of Collector and

Additional District Judge, the respondent preferred a writ petition being **W.P.(C) 3587/2018**. The writ petition was allowed by the learned Single Judge. The order passed by the Collector dated 22nd July, 2017 as well as order passed by the Additional District Judge – Appellate Authority dated 16th March, 2018 were quashed and set aside and the matter was remanded to the Collector for considering the issue afresh.

- Being aggrieved and feeling dissatisfied by the order of learned Single Judge in writ petition, the respondent in writ petition preferred the present Letters Patent Appeal.

3. **Arguments canvassed by the counsel for appellant (original respondent)**

(i) Counsel appearing for the appellant submitted that looking to the provisions of the Act and the amendment to Section 27 thereof, in the year 2001, there is presumption of valuation of property on the basis of the circle rate prescribed and unless the presumption is rebutted by the respondent (original petitioner), the circle rate shall be applied for the valuation of the property. Therefore valuation as per the circle rate, is much higher than the sale consideration mentioned in the sale deed. Valuation as per circle rate is ₹71,61,59,700/- as against ₹36,00,00,000/- (mentioned in sale deed). Thus, there is a difference of ₹35,61,59,700/- in valuation as per circle rates.

(ii) It is also submitted by the counsel for appellant that though the documents upon which the reliance has been placed by the Collector, the copies of which were not provided by the Collector, but in appeal, the copies of those sale deeds of the surrounding properties relied upon by the Collector were given to the respondent (original petitioner).

(iii) Counsel appearing for the appellant has placed reliance on the decision rendered by this Court in ***Manu Narang v. Lt. Governor, NCT of Delhi 226 (2016) DLT 1 (DB) and Amit Gupta v. Govt. of NCT of Delhi 229 (2016) DLT 385 (DB)*** as well as on ***State of Haryana vs. Manoj Kumar***, ***(2010) 4 SCC 350***. On the basis of the aforesaid decisions it has been submitted by the counsel for appellant that <u>the circle rate can be the sole basis for the determination of valuation to determine stamp duty</u>. Unless this presumption of determination of value of property on the basis of the circle rate is dislodged by the respondent (original petitioner), the valuation on the basis of circle rate is binding upon the respondent. This aspect of the matter has not been properly appreciated by the learned Single Judge and hence the judgment and order dated 14th March, 2019 passed by the learned Single Judge in W.P.(C) 3587/2018 deserves to be quashed and set aside.

(iv) It is also submitted by the counsel for appellant that the respondent (original petitioner) has failed to give any evidence that why the determination of value on the basis of circle rate should not be followed in the present case. In the absence of any evidence given by the respondent, the determination of valuation on the basis of circle rate is binding upon the respondent.

4. **<u>Arguments canvassed by respondent:</u>**

(i) Per contra, the counsel appearing for the respondent submitted that no error has been committed by the learned Single Judge while deciding W.P.(C) 3587/2018 and remanding the matter to the Collector for considering the issue afresh.

(ii) The main contention advanced is that the documents on which the reliance was placed by the Collector were never supplied to the respondent. Had these documents, been supplied, the original petitioner could have pointed out that these documents are of no help to Collector in arriving at market value of the property in question. Sale deeds relied upon should be of comparable properties. Comparison of properties is a *sine qua non*. If the properties are not comparable, rate in one sale deed cannot be applied to rates of property in questionable sale deed. Had the liberty been given to the respondent (original petitioner), the sale deeds and documents upon which the reliance was placed by the Collector would have proved to be of no help to this appellant.

(iii) Furthermore, the counsel of the respondent contends that the valuation of the property was not done by this appellant as per the provisions of Section 47A of the Act, especially the Explanation thereof.

(iv) It is also submitted by the counsel for respondent (original petitioner) that the instances of the sale deed which are relied upon by this appellant are of properties of much smaller areas. Properties having a considerably smaller area, would fetch a higher price vis-à-vis a property of a relatively higher size/area, irrespective of the prevailing circle rates. The instances of the properties which are relied upon by the Collector have an area less than 10% of the area of the property in question. This aspect of the matter has not been properly appreciated by the Collector and therefore, has mechanically determined the value of the property on the basis of circle rate.

(v) It is also submitted by the counsel for respondent (original petitioner) that the circle rate prescribed by the Government is not a conclusive piece of evidence so far as market value is concerned. Circle rates are a mere probability and nothing beyond that. The circle rates are mere factum to be considered while determining the valuation for the purpose of the Act. Exact market value has to be arrived at by the concerned Appellate Authority in accordance with Section 47A of the Act.

(vi) The counsel places reliance on ***Ramesh Chand Bansal & Ors. vs. District Magistrate/Collector (1999) 5 SCC 02; Thakur Kuldip Singh vs. Union of India (2010) 3 SCC 794; R. Sai Bharathi vs. J. Jayalalitha & Ors. (2004) 2 SCC 9; Ranvir Singh & Anr. vs. UOI (2005) 12 SCC 59; P. Ram Reddy & Ors. vs. LAQ (1995) 2 SCC 305; Kausalya Devi Bugro & Ors. v. LAQ, Aurangabad & Anr. (1984) 2 SCC 324; Special Land Acquisition Officers & Anr. vs. R.K. Rafiq Saheb (2011) 7 SCC 714; Ravinder Narain & Anr. vs. UOI (2003) 4 SCC 481.***

(vii) On the basis of the aforesaid decisions, it has been submitted by the counsel for respondent that the valuation of the property depends on verities of factors like -

(a) the width of the road upon which the property is situated;

(b) the nature and use of the adjacent property;

(c) the use of the property in question;

(d) the area, locality and location of the property in question;

(e) the price agreed upon by the parties;

(f) whether it was a distress sale; and

(g) whether local prices had escalated or reduced.

(viii) The counsel further submits that market rate depends upon the **existing factors**, **whereas**, the circle rates are always older in point of time. The circle rates are prescribed in one condition, whereas, exact market rate (and therefore the market value) depends upon the permutation and combination of varieties of myriad factors including those stated hereinabove and therefore whenever any dispute arises about the determination of value, the same ought to be arrived at by the concerned State authority for the purpose of the Act, the same needs to be done afresh, especially considering Section 47A thereof and the valuation as per circle rate can only be one of the factors to be kept in mind and nothing more.

(ix) Furthermore, that if any document upon which the reliance is placed by the Collector while determining the market value, those documents ought to have been supplied by the Collector to the respondent (original petitioner). Thus, the counsel submits that this aspect of the matter has been properly appreciated by the learned Single Judge while remanding the matter for determination of the issue afresh by the Collector and hence the judgment and order passed by the learned Single Judge in WP.(C) 3587/20 dated 14th March, 2019 need not be interfered with by this Court.

5. **<u>REASONS</u>**

Having heard the counsel for both sides and looking to the facts and circumstances of the case, <u>we see no reason to entertain this Letters Patent Appeal, mainly for the following facts, reasons and judicial pronouncements</u>:-

(i) The property in question *ad measuring* 1100 sq. yds. is situated at 66-A, Friends Colony (East), New Delhi-110065. The respondent (original petitioner) has entered into a sale for a consideration of **₹36,00,00,000/-** on **12th September, 2016**. Sale deed was reduced in writing and the stamp duty paid upon the aforesaid sale consideration by the respondent (original petitioner) is at ₹2,16,00,000/-.

(ii) It appears from the facts of the case that the registering authority has referred the matter to the Collector for determination of the value of the property upon which the stamp duty is to be paid. The valuation on the basis of the circle rate, will come to ₹71,61,59,700/-. Thus, there is a difference of ₹35,61,59,700/- in the valuation of the property in question as per the circle rate and the sale consideration paid.

(iii) For the ready reference, Sections 27 and 47A of the Indian Stamps Act, 1899 read as under:

> *"27. **<u>Facts affecting duty to be set forth in instrument</u>** — The consideration (if any) and all other facts and circumstances affecting the chargeability of any instrument with duty, or the amount of the duty with which it its chargeable, shall be fully and truly set forth therein.*

47A. <u>Instruments of conveyance, etc. undervalued how to be dealt with</u>. - *(1) <u>If the Registering Officer</u>, while registering any instrument transferring any property, <u>has reason to believe that the value of' the property</u> or the consideration, as the case may be, <u>has not been truly set forth in the instrument</u>, he may, <u>after registering such instrument, refer the same to the Collector for determination of</u> the <u>value</u> or <u>consideration</u>, as the case may be, and the proper duty payable thereon.*

(2) <u>On receipt of a reference</u> under sub-section (1), the <u>Collector shall</u>, after giving the parties a reasonable opportunity of being heard <u>and after holding an enquiry</u> in such manner as may be prescribed by rules made under this Act, by order, <u>determine the value of the property or the consideration and the duty aforesaid</u>, and the deficient amount of duty, if any, shall be payable by the person liable to pay the duty and, on the payment of such duty, the Collector shall endorse a certificate of such payment on the instrument under his seal and signature.

(3) The Collector may, suo motu within two years from the date of registration of any instrument not already referred to him under sub-section (1), call for and examine the instrument for the purpose of satisfying himself as to the correctness of its value or consideration, as the case may be, and the duty payable thereon, and if after such examination, he has reason to believe that the value or consideration has not been truly set forth in the instrument, he may determine the value or consideration and the duty aforesaid in accordance with the procedure provided for in sub-section (2), and the deficient amount of duty, if any, shall be payable the person liable to pay the duty and, on the payment of such duty, the Collector shall endorse a certificate of such payment on the instrument under his seal and signature.

(4) <u>Any person aggrieved by an order of the Collector</u> under sub-section (2) or sub-section (3) <u>may appeal</u> to the <u>District Court</u> within whose jurisdiction the property transferred is situated.

(5) An appeal under sub-section (4) shall be filed within thirty days of the date of the order sought to be appealed against.
(6) <u>The District Court shall hear</u> and dispose of <u>the appeal</u> in such manner as may be prescribed by rule under this Act.
Explanation *- For the purpose of this section, <u>value of any property shall be estimated</u> to be the price which in opinion of the Collector or the appellate authority, as the case may be, <u>such property would have fetched, if sold in the open market on the date of execution of the instrument</u> relating to the transfer of such property."*

(Emphasis supplied)

(iv) The Collector determined the value of the property in question <u>on the basis of the circle rate</u>. It appears from this order dated 22nd July, 2017 that the Collector has relied upon the sale deeds of the surrounding properties. <u>The copies of the sale deeds upon which the reliance has been placed by the Collector were never supplied to the respondent (original petitioner).</u> Thus, documents were relied upon by the Collector, but, the copies were never given to the respondent.

(v) The aforesaid aspect of the matter has been properly appreciated by the learned Single Judge *vide* judgment and order dated 14th March, 2019 <u>and the matter was remanded to the Collector for fresh determination of the market value</u>. It further appears from the facts of the case that the sale deeds upon which the reliance is placed by the Collector, the copies of which were given only at appellate stage to the respondent (original petitioner), but, looking at the said sale deeds, it appears that <u>they were of plots measuring approximately 10% of the plot area of the respondent</u>.

(vi) Looking at the sale deeds upon which the sole reliance is placed by the Collector, it appears that even in those sale deeds, the sale consideration was lesser than the valuation arrived at on the basis of the circle rates. Moreover, for a smaller plot area, higher sale consideration can be fetched by the seller and, therefore, whenever any comparison is to be made for arriving at a value for the plot in question, as far as possible the sale deed of the plots having similar measurements should have been kept in mind. Looking at the sale deeds upon which the reliance is placed by the Collector, it appears that for a smaller plot (which is 10% of the plot in question), the valuation of the sale price, was at a rate lesser than the circle rate meaning thereby that for a bigger plot, sale consideration, could be further lesser, than the circle rate.

(vii) The counsel for the appellant has contended that if the Collector had given the sale deeds upon which he was relying upon all these arguments could have been canvassed by the respondent (original petitioner), in detail, before the Collector and hence also the order passed by the Collector dated 22nd July, 2017 deserves to be quashed and set aside. This aspect of the matter has been properly appreciated by the learned Single Judge while deciding W.P.(C) 3587/2018 *vide* judgment and order dated 14th March, 2019.

(viii) Much has been argued out by the counsel for appellant that circle rate can be the sole basis of the determination of the value and unless the respondent (original petitioner) dislodges the valuation as per circle rate, there exists a presumption that the circle rate would be the basis to determine the valuation for the purpose of the Act. We are not in agreement with the contentions of the appellant for the reasons that:

(a) Circle rate at the best can be one of the factors for determination of the valuation and nothing beyond that;

(b) Circle rate is nothing, but, a guidance given by the higher ranking Administrative Officer to the subordinate officer whenever any instrument comes up for registration under the Act. On the basis of this circle rate, the Registering Authority can, at best mechanically determine the valuation of the instrument, **but,** whenever the dispute arises, the exact market valuation, ought to be arrived at, by the Collector as mandated by Section 47A of the Act.

Circle rate cannot be mechanically followed by Collector, as a sole factor, to determine market value of the property in question.

(c) Reference in this regard may be made to the decision in ***R. Sai Bharathi vs. J. Jayalalitha, (2004) 3 SCC 9***, wherein it was held as under:

"22. The guideline value has relevance only in the context of Section 47-A of the Indian Stamp Act (as amended by T.N. Act 24 of 1967) which provides for dealing with instruments of conveyance which are undervalued. The guideline value is a rate fixed by authorities under the Stamp Act for purposes of determining the true market value of the property disclosed in an instrument requiring payment of stamp duty. Thus the guideline value fixed is not final but only a prima facie rate prevailing in an area. It is open to the registering authority as well as the person seeking registration to prove the actual market value of

<u>property</u>. The authorities <u>cannot regard the guideline valuation as the last word on the subject of market value</u>. This position is made clear in the explanation to Rule 3 of the Tamil Nadu Stamp (Prevention of Undervaluation of Instruments) Rules, 1968. The said Explanation reads as follows:

Explanation - The 'guidelines register' supplied to the officers is intended merely to assist them to ascertain prima facie, whether the market value has been truly set forth in the instruments. The entries made therein regarding the value of properties cannot be a substitute for market price. Such entries will not foreclose the enquiry of the Collector under Section 47-A of the Act or fetter the discretion of the authorities concerned to satisfy themselves on the reasonableness or otherwise of the value expressed in the documents."

23. This Explanation also will have to be read in conjunction with Explanation to Section 47-A of the Indian Stamp Act (as amended by T.N. Act 24 of 1967) which reads:

"Explanation.—For the purpose of this Act, market value of any property shall be estimated to be the price which, in the opinion of the Collector or the Chief Controlling Revenue Authority or the High Court, as the case may be, such property would have fetched or would fetch, if sold in the open market on the date of execution of the instrument of conveyance, exchange gift, release of benami right or settlement."

24. This scheme of the enactment and the Rules contemplate that guideline value will only afford a prima facie basis to ascertain the true or correct market value, undue emphasis on the guideline value without reference to the setting in which it is to be viewed will obscure the issue for consideration. It is clear, therefore, that guideline value is not sacrosanct as urged on behalf of the appellants, but only a factor to be taken note of, if at all *available in respect of an area in which the property transferred lies. <u>In any event, therefore, if for the purpose of the Stamp Act guideline value alone is not a factor to determine the value of property, its worth will not be any higher in the context of assessing the true market value of properties in question to ascertain whether the transaction has resulted in any offence so as to give a pecuniary advantage to one party or the other</u>."*

(Emphasis supplied)

(d) The Collector must give proper notice to the concerned parties along with all the documents upon which the Collector places reliance, including the sale deeds of the surrounding properties.

(e) <u>The circle rates will be one of the factors for the Collector whenever he determines the value</u>; and

(f) <u>Thus, the circle rate is not a conclusive evidence at all</u> for the valuation. <u>The circle rate is giving only a guidance to the Collector for determination of the value under Section 47A of the Act, 1899</u>. <u>If the Collector has to mechanically adopt circle rate and multiply it with area</u> of the plot, for determination of value of the property, <u>perhaps Section 47-A(2) would not be needed at all</u>.

<u>Despite the existence of circle rate</u>, as per Section 47-A(2), <u>the Collector has to make enquiry</u> for arriving at value of the property prevailing as on date of transfer of property. <u>The reason is, circle rate is one of the factors for arriving at the value of the property</u>. Meaning thereby, there

are several other factors, which must be appreciated, before arriving at value of the property.

(g) The valuation of the property in question depends upon the varieties of factors like:

- The area of the plot in question or the property in question;
- The use of the property in question;
- Nature of property in question like new property and ten years old property.
- The width of the road upon which the property is situated;
- The nature of the adjacent properties;
- The nature of use of the adjacent properties, e.g., if an adjacent property is of a commercial nature, then the sale consideration fetched is bound to be different and if the adjacent property is a public convenience constructed by the Government, then the sale consideration fetched by the property in question can be entirely different.
- The existing market factors varies time to time, **whereas,** the circle rates are usually prescribed on a much prior point of time. In the facts of the present case, the circle rates were prescribed by the Government on **23rd September, 2014** whereas the sale deed has been

entered into in the year **2016**.

- The urgency of the sale by the owner of the property and if it is a distress sale.

- The need of the purchase of the property as, e.g., if the adjacent property owner wants to purchase at any cost the neighbouring property, the price the owner will fetch will be higher.

(h) Reference may be made to the decision in ***Thakur Kuldeep Singh v. Union of India, (2010) 3 SCC 794***, relevant paragraphs whereof are reproduced hereunder:

"21. We accept that in view of the purpose for which the "circle rates" have been notified by the Ministry of Urban Affairs and Employment, market value of a plot cannot be determined solely on the basis of the circle rates. On the other hand, it cannot be ignored in toto. <u>If other materials are available, government rates can also be considered as corroborative evidence. The nature of the land plays an important role. Likewise, market conditions prevailing as on the date of notification are also relevant. Sale price in respect of a small piece of land cannot be the basis for determination of market value of a large stretch of land</u>.

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23. <u>It is clear from the above decisions and discussion that merely on the basis of "circle rate", market value for acquired lands cannot be fixed but, at the same time, as observed earlier, the locality and the prevailing circumstances are relevant for determining the real value of the land</u>. We have adverted to the assertion of the claimants about the proximity and various other attending circumstances. It is seen from the evidence of PW 2, *power-of-attorney holder of the appellants that the acquired plot was located in the midst of commercial properties, had commercial potentiality and for similar properties, the rates in the locality were not less than Rs 6000 per square metre. He tendered evidence and placed documents Exts. PW 2/1 to PW 2/11 which include Eicher city map. PW 2 has also highlighted that the plot was located within the developed commercial hub of Karol Bagh having all facilities.*

(Emphasis supplied)

(i) Reference may also be made to the case of ***Ranvir Singh & Anr. vs. Union of India, (2005) 12 SCC 59***, wherein it is held as under:

"34. <u>Sale price in respect of a small piece of land, it is well settled, cannot be the basis for determination of a market value of a large stretch of land. In Ram Phool [(2003) 10 SCC 166, 167] this Court held that an isolated deed of sale showing a very high price cannot be the sale basis for determining the market value</u>. The said decision was rendered in relation to a land situated at Village Poothkalan which is adjacent to the lands in question. Even the claimants, it is interesting to note, had exhibited sale deeds in respect of the land situated at Village Poothkalan for proving their claim."

(Emphasis supplied)

(j) Thus, in view of the facts of the present case, <u>it appears that the aforesaid factors and such other relevant factors for arriving at the valuation have never been gone into by the Collector nor by the Additional District Judge – Appellate Authority</u>.

(k) It appears that mechanically, and <u>without appreciating the varieties of the factors, which govern the market forces, and</u>

solely on the basis of the circle rates, the valuation to determine stamp duty has been arrived at by the Collector *vide* order **dated 22nd July, 2017** as well as by the Additional District Judge – appellate Authority *vide* order dated 16th March, 2018 and hence, no error has been committed by the learned Single Judge while quashing and setting aside these orders and no error has been committed by the learned Single Judge in remanding the matter to the Collector for reconsideration of the issue of determination of the valuation of the property for the purpose of the Act.

(ix) The judgments upon which the reliance has been placed by the counsel for appellant are of no help to the appellant mainly for the reasons that:

(a) The facts, illustrated hereinabove, make the present case different from the facts of the case upon which reliance has been placed by the appellant, and hence are of no assistance to the case of the appellant.

(b) The reliance of the counsel on ***State of Haryana v. Manoj Kumar*** (*supra*) is misconceived since the Supreme Court only propounded the jurisdiction of the High Court under Article 227 in interfering with the concurrent findings of fact of the courts below and further stated that the issuance of notification (fixing the circle rate) is imperative to arrest the tendency of evading the payment of actual stamp duty. The Hon'ble Supreme Court set aside the judgment rendered by the High Court for being without 'basis or rationale' and is completely silent on the issue of determination of value of a property for payment of stamp duty.

(c) Even the sale deeds upon which the reliance was placed by the Collector were supplied to the respondent (original petitioner) only at appellate stage. It appears that the areas of these plots were approximately 10% of the plot in question. Smaller the plot/property higher can be the sale consideration fetched.

6. Counsel for the respondent (original petitioner) has also relied upon several decisions. As the matter is being remanded by the learned Single Judge and as we are dismissing this appeal, without going into the details of the judgments, **but**, suffice it to say that the circle rates are not the only factors to be kept in mind by the Collector. The circle rate can be one of the factors to be kept in mind by the Collector for determination of the value under Section 47A of the Indian Stamp Act, 1899, **especially**, when the person who has approached for registration of the sale deed is disputing the valuation pointed out by the registering authority. In such an eventuality, detailed procedure ought to have been followed by the Collector as per Section 47-A(2) of the Act, 1899 keeping in mind the aforesaid aspects of the matter as well as the principles propounded by the Hon'ble Supreme Court, for determination of the value of the property. The mechanical approach of the Collector only to follow the circle rate is hereby deprecated.

7. With the aforesaid observations, this Letters Patent Appeal is hereby

dismissed as we see no reason to interfere with the judgment and order **dated 14th March, 2019** passed by the learned Single Judge in **W.P.(C) 3587/2018** since no error was committed by the learned Single Judge in appreciating the aforesaid facts of the matter.

8. The money deposited by the respondent (original petitioner) with this Court as per the order dated 12th April, 2018 passed by the learned Single Judge shall remain deposited with the Registrar General of this Court and will be invested in a nationalised bank, since the matter is being remanded to the Collector for fresh determination of the valuation, and if any additional stamp duty is required to be paid by this respondent (original petitioner), the amount of ₹1,06,87,791/- will be adjusted towards the same. If more amount is to be deposited by the original petitioner, the aforesaid amount will be adjusted.

If lesser amount is to be paid by the original petitioner, rest of the amount will be returned to the original petitioner.

9. Appellant as well as original petitioner can move appropriate application for withdrawal of the amount in this Letters Patent Appeal. They are also permitted to move an application in this Letters Patent Appeal in case of any difficulty.

10. The Collector will determine value of the property in question, in accordance with law and keeping in mind the aforesaid decisions of the Hon'ble Supreme Court and will keep in mind the principles mentioned in this judgment for arriving at value of the property.

11. Both the parties are at liberty to adduce their evidences before the

Collector in the proceedings under section 47-A(2) of the Act, 1899 to be read with other provisions of the Act, 1899 and the Rules made thereunder.

12. The appeal is hereby dismissed.

C.M. No. 19585/2019 (*Stay*)

13. In view of the final order passed in LPA 278/2019, this application stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

NOVEMBER 15, 2019
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