

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1020 WRIT PETITION NO.1454 OF 2019
WITH CA/14569/2019 IN WP/1454/2019

INDIAN ADVOCATES MULTI STATE MULTI PURPOSE CO
OPERATIVE SOCIETY LTD THROUGH AUTHORITY
..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER..RESPONDENTS

...
Mr. Sachin S. Deshmukh, Advocate for the
Petitioner.

Mr. S. G. Karlekar, AGP for Respondents-State.

...
CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATED : 13th MARCH, 2020.

PER COURT:-

1. The petitioner assails the communication dated 12.06.2018 issued by the respondents, thereby rejecting the application of the petitioner SEEKING license for sale of stamps.

2. Mr. Deshmukh, learned counsel for the petitioner contends that the petitioner is registered Advocates Multi State Multi Purpose Co-operative Society Limited. It is registered under the provisions of Multi State Co-operative Societies Act, 2002. The object of the petitioner is welfare of the legal fraternity. The premises have been allotted to the petitioner society at the Principal Seat of this Court, so also before Aurangabad Bench as well as at Parbhani, Hingoli, Nanded, Buldhana and Dhule where the society has started functioning. The State authorities have

permitted the authorized association of the lawyers to vend the judicial and non-judicial stamps by issuing license to that effect. The petitioner society pursuant to the permission granted is selling judicial and non-judicial stamps within Court premises at Bombay. In view of the permission granted, the writ petition filed by the petitioner bearing No.263/2013 is disposed of. The State Authorities have issued license to the petitioner for functioning within the premises of High Court extension building at Mumbai, so also City Civil Court and Sessions Court and Dindoshi Court, Goregaon. The learned counsel submits that the permission sought for vending of stamps in Court premises at Aurangabad, Parbhani, Hingoli, Nanded, Buldhana and Dhule has been rejected. According to the learned counsel no rational exists in rejecting the application of the petitioner for vending of stamps. The stamps of small denominations are not easily available and it also impracticable to pay the Court fees of small denomination online. The difficulty is not considered by the respondents.

3. Mr. Karlekar, learned A.G.P. submits that the policy of the State is to make the payment via e-payment process through GRAS System and e-SBTR System online. No complaints have been received that the Advocates are facing difficulty in payment of Court fees online. The learned A.G.P. submits that the geographical situation for Mumbai region

is different than the districts like Buldhana and Dhule. The petitioner cannot seek parity on that count. The respondent no.2 in strict observance of the Government order dated 24.09.2010 has expressed its inability to grant stamp vending license. There are sufficient number of stamp vendors at Aurangabad, Parbhani, Hingoli, Nanded, Buldhana and Dhule. In addition to the physical stamp vendors, the department has made available the online system for e-payment through GRAS system. A policy decision has been arrived at not to give license. The e-payment facility is widely available. For e-payment it is not necessary to have internet in the Courts only. The Court fees can be paid from any place. Considering the advantages of e-payment and disadvantages attached relating to the printing and supply chain management of physical stamps, the policy decision is taken by the Government. The Government had to face the stamp papers scam and hence, better and secure payment system has been arrived at.

4. We have considered the submission canvassed by the learned counsel for the respective parties.

5. It appears that the Government has evolved e-payment system of the judicial and non-judicial stamps. As far as the non-judicial stamps of high denominations are concerned, naturally the e-payment system would be more viable, safe and secure.

6. It has been suggested that in Courts lawyers are required to pay Court fees stamp of small denominations of Rs.10/-, so also Rs.5/-. The court fees adhesive stamps are also required. It may not be possible for the litigants and member of the legal fraternity to pay Court fee stamp of Rs.5/- or Rs.10/- online in each and every matter. For affidavits also non-judicial stamps of Rs.100/- are required.

7. We are only considering the practical difficulty faced by the lawyers and the litigants in Court premises while paying Court fees of small denominations viz. Rs.5/- and Rs.10/-. It would not be possible practically for each and every lawyer and the litigant to pay such small denomination Court fees via e-payment. Many litigants in the Trial Court would be from rural areas. At many places the licenses are given to the Advocates Societies for vending stamps and the same is in vogue even today. It is not the case that sale of physical stamp is completely prohibited. Of course, we appreciate the steps taken by the State for encouraging the e-payment of the stamp duty. However, considering the practical difficulties faced by the lawyers and the litigants for payment of Court fees stamp of small denominations, it would be appropriate if the respondents consider the request of the petitioner for grant of stamp vending license for atleast for

small denominations stamps that would minimize the difficulties faced by the lawyers and litigants.

8. In light of the above, we pass the following order:

ORDER

A. The non-applicants shall consider the application of the petitioner for grant of stamp vending license at Aurangabad, Parbhani, Hingoli, Nanded, Buldhana and Dhule on the line as given to the Advocates Society at High Court extension building at Mumbai, so also City Civil Court and Sessions Court and Dindoshi Court, Goregaon on such terms and conditions as it may deemed fit.

B. The decision shall be taken on the application filed by the petitioner preferably within a period of three months.

9. Writ Petition accordingly disposed of. No costs.

10. In view of disposal of writ petition, present civil application also stands disposed of.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE