

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 1886 OF 2019

M/s. Avani Corporation ... Petitioner
Vs.
The Chief Controller (Revenue Authority)
and Inspector General of Registration
and Collector of Stamps, Pune & Ors. ... Respondents

Mr. P. S. Dani, Sr. Counsel a/w P. B. Kulkarni, for the Petitioner.
Mr. N. C. Walimbe, AGP for Respondent Nos. 1 to 4.

CORAM : C. V. BHADANG, J.

DATE : FEBRUARY 12, 2020

PC :

1. Heard the learned senior counsel for the Petitioner and the learned AGP for the Respondents.

2. The only contention raised on behalf of the Petitioner is that the impugned order was passed without hearing the Petitioner, and therefore, the impugned order is bad for non compliance of principles of natural justice. This petition was adjourned to enable the AGP to take instructions and make appropriate statement.

3. The learned AGP on the basis of a communication dated 10th February, 2020, which is taken on record and marked "X" for identification, states that although a notice was issued to the Petitioner,

he was not heard. In that view of the matter, the petition has to succeed on this short count alone.

4. The petition is, accordingly allowed. The impugned order dated 12th September, 2018, including the order of seizure, is hereby set aside. It will be open for Respondent No. 1 to pass a fresh order after hearing the Petitioner, on merits and in accordance with law. The Petitioner shall appear before the Collector of Stamps, Pune city on 2nd March, 2020 at 11.00 a.m. Rule is made absolute in the aforesaid terms, with no order as to costs.

5. Needless to mention that the Collector of Stamps, Pune city shall furnish such of the documents to the Petitioner, which the Collector of Stamps proposes to rely upon for the impugned action.

Sd/-
C. V. BHADANG, J.