

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 548 OF 2021

Digambar Sudhakar Dighe & Ors

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Susmit Phatale, for the Petitioners.

Mr. R.P. Kadam, AGP, for the Respondent-State.

Mr. Omkar Kulkarni, for Respondent Nos. 4 to 7.

CORAM : K.K. TATED &
R.I. CHAGLA, JJ.

DATE : 4 February 2021

ORDER :

1. Heard the learned Counsel for the parties.
2. Rule. Rule made returnable forthwith by consent of the Petitioners and contesting Respondent Nos. 4 to 7. Matter is taken on board for final disposal.
3. By this Petition filed under Article 226 of the

Sharayu
P. Khot

Digitally
signed by
Sharayu P.
Khot
Date:
2021.02.06
17:30:08
+0530

Constitution of India, the Petitioners are challenging the order dated 29th May 2018 passed by Respondent No. 3 holding that the Petitioners are liable to pay sum of Rs. 90,50,575/- as stamp duty. The said order was challenged by the Petitioners by preferring Appeal No. 53C/332/2018 before the Chief Controlling Revenue Authority & Inspector General of Registration and Controller of Stamps, Maharashtra State, Pune on 4th December 2018.

4. Learned Counsel Mr. Phatale appearing for the Petitioners submits that he also preferred the Application for stay. He submits that neither the Application for stay is heard by the Authority nor the Appeal. He submits that he received the instructions from his client that if this Court directs the Authority-Respondent No. 2 to decide their Appeal No. 332 of 2018 as early as possible, they do not want to press prayer clause (a) of the Petition.

5. Learned Counsel Mr. Kulkarni for the Respondent Nos. 4 to 7 submits that they also supporting the Petitioners' request to decide the Appeal on its own merits as early as

possible.

6. Considering the submissions made by learned Counsel for the Petitioners, Appeal No. 332 of 2018 is pending for hearing and final disposal on its own merits since December 2018 and the statement made by the learned Counsel for the Petitioners, we are satisfied that without going into the merits of the present matter, the Writ Petition can be disposed of with directions to decide the said Appeal as early as possible.

7. Hence, the following order:-

- (i) Writ Petition is allowed in terms of prayer clause (b) of the Petition, which reads thus:-

“(b) Or in the alternative it is just and necessary for this Hon’ble Court to issue a writ of Mandamus or any other appropriate writ or direction for directing the Respondent no. 2 to expedite the hearing of the Appeal no. 332 of 2018 and decide the same in a time bound manner.”

- (ii) The Authority to decide the said Appeal on its own

merits as early as possible, but in any case on or before 31st May 2021.

- (iii) All contentions of both the parties are kept open.
- (iv) In case of urgency liberty granted to the Petitioners to move before the Authority for appropriate order in the Application for stay.
- (v) Writ Petition stands disposed of accordingly.
- (vi) No order as to costs.

[R.I. CHAGLA J.]

[K.K. TATED, J.]