

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1269 OF 2021**

Omkar Realtors & Developers Pvt Ltd. & AnrPetitioners

V/s.

State of Maharashtra & Ors. ...Respondents

Mr. Jamshed Master a/w Mr. Aftab Diamondwala & Ms Ketki Mishra i/b
Diamondwala & Co. for Petitioners

Mr. L. T. Satekar, AGP for State

Mr. Girish Kedia for Respondent Nos.4 & 5

Mrs. Sharmila Nadkarni Respondent No.5 present in court

**CORAM : K.R. SHRIRAM &
ABHAY AHUJA, JJ.
DATED : 30th AUGUST 2021**

P.C. :

1 Mr. Kedia states that respondent nos.4 and 5 have received the entire amount payable by petitioners. Mr. Kedia on instructions from respondent no.5-Mrs. Sharmila Nadkarni undertakes to pay within a fortnight to ICICI Bank to whom the concerned flat is mortgaged the entire outstanding payable. Mr. Kedia says respondent no.4 / respondent no.5 shall write to ICICI Bank tomorrow itself for providing them with the final calculations of dues payable to them and that amount shall be paid within fortnight of receiving a communication from ICICI Bank. Mr. Kedia further states that a copy of this communication to the ICICI Bank shall also be sent to Diamondwala & Co., advocates for petitioners.

2 Mr. Kedia further states that as the flat is mortgaged with ICICI Bank, once he receives the original documents from the Bank, he shall enter into a Deed of Cancellation with petitioners within two weeks of petitioners

requesting Mr. Kedia's clients to come for signing and executing the Deed of Cancellation. Statement accepted as an undertaking. It will be open to Mr. Kedia's clients to apply for refund of stamp duty and the Collector of Stamps, Mumbai will consider the application in accordance with law and dispose of that application within four weeks of receiving the same. The entire refund to be paid by the Collector of Stamps, Mumbai in favour of Mr. Ajay Ashok Nadkarni, who is respondent no.4 in this petition.

3 Petition stands disposed.

4 All to act on authenticated copy of this order.

(ABHAY AHUJA, J.)

(K.R. SHRIRAM, J.)