

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2989 OF 2021
IN
WRIT PETITION NO. 1391 OF 2018

The State of Maharashtra	...	Applicant
In the matter between		
Mphasis Ltd. and Anr.	...	Petitioners
V/s.		
The State of Maharashtra and Ors.	...	Respondents

Mr. S.D. Rayrikar, AGP for the applicant.

Ms. Tathi Prakash a/w. Mr. Darshan Furia for the respondent/original petitioner.

CORAM : VALMIKI SA MENEZES, J.

DATED : NOVEMBER 16 , 2022.

P.C. :

1. This is an application filed by the respondent in Writ Petition No. 1391 of 2018 seeking modification of interim order dated 7th March 2018 passed by this Court by directing the original petitioners to deposit the balance amount of stamp duty and penalty on the amount already deposited by the petitioners in the sum of Rs. 64,35,444.65 ps.

2. Alternatively, the original respondents prays for listing of the petition for final hearing. The application has been opposed by the

original petitioners through an affidavit dated 1st September 2021, on various grounds *inter alia* that no change of circumstances are admitted in the application for grant of order of modification of the interim relief earlier allowed by this Court on 7th March 2018. The additional grounds urged by way of affidavit-in-reply are that the application is not in a nature of a review as also that the order dated 15th October 2020 of the Apex Court in the Miscellaneous Application No. 1577 of 2020 in Criminal Appeal Nos. 1375-1376 of 2013 in the case of **Asian Resurfacing of Road Agency Pvt. Ltd. & Anr. V. Central Bureau of Investigation**, inasmuch as the observations of the Hon'ble Supreme Court on automatic vacation of stay orders after a period of six months, are only in the context of cases where a stay has been granted in respect of a civil/criminal trial and would not apply in matters which arise from the orders passed under the provisions of Bombay Stamp Act, 1950, as in the present case.

3. Be that as it may, the directions sought for modification of the interim order dated 7th March 2018 granted by this Court to the petitioner, is not maintainable for the reasons that the application is devoid of any pleading to substantiate any change of circumstances or nor does it contain any grounds such as pleadings an error apparent on the face of the record or that new and additional material has come to the knowledge of the Applicants.

4. Accordingly, relief sought for modification of order dated 7th March 2018 is rejected. Learned counsel for the petitioners has no objection for listing the matter on final hearing board. Accordingly,

registry is directed to place the Writ Petition for final hearing board within a period of two weeks .

5. The Interim application is disposed of accordingly.

(VALMIKI SA MENEZES, J)