

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 11186 OF 2022
WITH
WRIT PETITION NO. 11187 OF 2022
WITH
WRIT PETITION NO. 11389 OF 2022**

Vidya Sahakari Bank Ltd.

Through Its Chief Executive Officer.

.. Petitioner

Vs.

The State of Maharashtra & Anr.

.. Respondents

Mr. S. S. Panchpor a/w Mr. Mayur Jadhav for the petitioner.

Smt. M.P. Thakur, AGP for the State.

**CORAM : S.V. GANGAPURWALA &
R.N.LADDHA, JJ.**

DATE : SEPTEMBER 28, 2022.

P.C.:

1. Learned advocate for the petitioner submits that the stamp duty has been wrongly levied on a sale certificate issued under section 13(5A) of the SARFAESI Act. The same cannot be termed as a conveyance. The petitioner was not given an opportunity of hearing though the application has been filed by the petitioner.

2. Learned AGP submits that against the impugned order, the petitioner has a remedy of appeal.

3. In light of that, if the petitioner files an appeal before the Appellate Authority, in that event, all contentions of the petitioner are kept open. Naturally the Appellate Authority will consider the

contentions raised by the petitioner including the judgment delivered by this Court.

4. In case the appeal is filed by the petitioner, the Appellate Authority shall decide the appeal expeditiously, preferably within six months of the filing of the appeal. In that event, all contentions are kept open.

5. Writ Petition is disposed of. No costs.

(R.N. LADDHA, J.)

(S.V. GANGAPURWALA, J.)