

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION [CAW] NO. 1551/2022
IN WRIT PETITION NO. 3800/2021.

M/s. Oriental Nagpur Bypass Construction Pvt. Ltd.

-VERSUS-

The State of Maharashtra and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.C. Khare, Advocate for the Applicant/Petitioner.
Shri H.D. Dubey, A.G.P. for Non-applicants/Respondents.

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CORAM : VINAY JOSHI, J.

DATE : JULY 26, 2022.

Heard.

2. The applicant/petitioner is seeking disbursement of Rs.1,53,06,100/- to the non-applicant - State/Collector of Stamps along with accrued interest on the premise that he has applied and is covered under the Amnesty Scheme notified by the State Government vide order dated 01.04.2022.

3. The applicant/petitioner has initially

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challenged before this Court a communication dated 17.09.2021 of the State by which the Bank account of the petitioner came to be freezed for recovery of stamp duty of Rs.1,53,06,100/- and penalty of Rs.4,01,01,982/-. Since statutory appeal was pending, this Court vide interim order dated 11.10.2021, directed the petitioner to deposit an amount of Rs.1,53,06,100/- and on such condition stay was granted to the communication dated 17.09.2021. Thereafter, this Court has disposed of the Writ Petition vide order dated 11.01.2022, by directing the Appellate Court to dispose of the appeal expeditiously.

4. It is the case of the applicant that thereafter the Revenue and Forest Department has introduced an Amnesty Scheme vide order dated 01.04.2022, by which the penalty was brought down to 10%, provided necessary compliance was made on or before 31.07.2022. The petitioner has applied under the Scheme in prescribed form "A", and now supposed to make online payment as

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required under the Scheme.

5. The applicant would submit that he is required to deposit the said amount, and therefore, requested to transmit the amount lying with the Registry of this Court to the State Government.

6. The learned A.G.P. appearing for non-applicants is not opposing the application since the amount would be transmitted to the State Government/ Collector of Stamps. Of course, if the applicant was not found eligible under the said Scheme, then the authority shall return the amount to this Court.

7. In view of above, the amount of Rs.1,53,06,100/- deposited with this Court be transmitted to the non-applicant State along with the accrued interest, and, if the applicant is found eligible under the said Scheme, the said amount be appropriated towards outstanding dues against the applicant. It is however made clear that transfer of said amount shall not be construed as entire payment as required under the Amnesty Scheme,

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but, apparently, the applicant has to comply with the remaining payment/ deposit, if any, under the Scheme.

8. Registry to ensure that the amount shall be transmitted into the account of the non-applicants on or before 31.07.2022.

JUDGE