

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

WRIT PETITION NO.5572 OF 2022

Dr Khemendra S/o Tulsiram Waghmare, Sarvoday Nagar, Khamla, Nagpur

-vs-

State of Maharashtra, Thr. Secretary, Dept. of Revenue and Forests, Mantralaya, Mumbai & ors.

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

Court's or Judge's Orders.

Ms Ritika Rao, Advocate for petitioner.

Shri A. M. Deshpande, I/c Government Pleader for respondents.

CORAM : A. S. CHANDURKAR AND ANIL L. PANSARE, JJ.

DATE : December 02, 2022

The cause title of the petition is permitted to be corrected in accordance with the pursis. Correction be carried out forthwith.

The petitioner seeks refund of overcharged stamp duty on the Certificate of Sale dated 23/12/2020 along with registration fee paid for execution of the document in question.

It is the case of the petitioner that the order dated 29/08/2020 on the basis of which such stamp duty was paid is not applicable to the transaction in question.

It is however seen that the petitioner has not yet made a demand for refund of overpaid amount of stamp duty and registration fee with the respondent No.2. In absence of such demand being made, we are not inclined to entertain the prayer as made in the writ petition for the first time. The petitioner would be at liberty to seek refund of the aforesaid amounts by making appropriate application to the respondent No.2. If such application is made, respondent No.2 shall consider the same in accordance with law. Thereafter if the grievance of the petitioner still subsists, he is free to take legal redress in accordance with law. With these observations the writ petition is disposed of. No costs.