

Anand

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

WRIT PETITION NO. 13740 OF 2023

Amit S. Vijayakar & ors.

.Petitioners

Vs.

The Collector of Stamps, Mumbai & ors.

.Respondents

Ms. Uma Acharya and Mr. Gaurav Suralkar i/b. Jayakar & Partners, Advocate, for the Petitioners

Mr. A. P. Vanarase, AGP, for Respondent Nos. 1 to 3 – State

CORAM : MADHAV J. JAMDAR, J.

DATE : 07.11.2023

P. C.

1. Heard Ms. Acharya, learned counsel appearing for the Petitioners and Mr. Vanarase, learned AGP appearing for Respondent Nos. 1 to 3 – State.

2. Ms. Acharya, learned counsel appearing for the Petitioners states that the order dated 05.08.2022 passed by the Collector of Stamps, Mumbai is challenged before the Chief Controlling Revenue Authority of Stamps, Pune, Maharashtra State – Respondent No. 2. She states that in the said Appeal, the delay condonation Application and the stay Application have also been filed. She submits that the Respondent No. 2 is not hearing the said Application/Appeal and the authorities are taking steps

to execute the order dated 05.08.2022. Ms. Acharya, learned counsel appearing for the Petitioners further states that the Petitioners will deposit 30% of the amount awarded by Respondent No. 1 i. e. The Collector of Stamps, Mumbai on or before 18.12.2023, without prejudice to the rights and contentions of the Petitioners.

3. Mr. Vanarase, learned AGP appearing for Respondent Nos. 1 to 3 – State, after taking instructions states that there are some administrative difficulties and that presently, the Chief Controlling Revenue Authority of Stamps, Pune, Maharashtra State – Respondent No. 2 is on deputation and has been assigned election duty in the Assembly election of Rajasthan. He, therefore, on instructions states that six months will be required for disposal of the said Appeal.

4. Accordingly, the Writ Petition is disposed of by passing the following order.

O R D E R

(i) The Chief Controlling Revenue Authority of Stamps, Pune, Maharashtra State to decide the delay condonation Application filed in eight Appeals challenging the order dated 05.08.2022 passed by the Collector of Stamps, Mumbai **on or before 18.02.2024** and if delay is condoned then the main Appeal be decided **on or before 30.04.2024**;

(ii) The Petitioners to appear before the Chief Controlling Revenue Authority of Stamps, Pune, Maharashtra State on **18.12.2023** at **11.00 a. m.**;

(iii) The Petitioners to deposit 30% of the amount awarded by Respondent No. 1 i. e. The Collector of Stamps, Mumbai with the Respondent No. 1 **on or before 18.12.2023**. It is clarified that the said deposit is without prejudice to the rights and contentions of the Petitioners;

(iv) If the Petitioners deposit the above referred 30% amount with the Respondent No. 1 then **no coercive steps be taken** till disposal of the said Appeals pending before the Chief Controlling Revenue Authority of Stamps, Pune, Maharashtra State;

(v) It is clarified that this Court has not considered the merits and all the contentions on merits are expressly kept open.

5. The Writ Petition is disposed of in above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)