

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9270 OF 2016

Raheja Legacy Trust and Ors.

... Petitioners

Versus

State of Maharashtra and Ors.

... Respondents

Mr. B.R. Zaveri, for the Petitioners.

Smt. V.S. Nimbalkar, AGP for the Respondent Nos.1 to 3-State.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 13th March, 2023

P.C. :

1. Heard.

2. By this petition, the challenge is to the order dated 19.01.2015 and 04.04.2016 passed by the Chief Revenue Controlling Authority rejecting the application for refund of stamp duty. Vide order dated 02.12.2022 passed by this Court, the Respondent No.2 was directed to decide the issue in question within a period of 12 weeks.

3. Learned counsel for the Petitioners has tendered copy of order dated 21.02.2023 passed by the Respondent No.2. The Respondent No.2 by the said order, has remanded the matter to the

Additional Controller of Stamps, Mumbai for hearing as by virtue of amendment to the Maharashtra Stamps Act, the issue fell within the jurisdiction of the Additional Controller of Stamps, Mumbai.

4. In view of the above, learned counsel for the Petitioners, on instructions, seeks permission to withdraw the petition with liberty to challenge the order of the Additional Controller of Stamps, if adverse to the Petitioners.

5. The Petition is permitted to be withdrawn with liberty to challenge the order of the Additional Controller of Stamps, if adverse to the Petitioners. It is made clear that this Court has not gone into the merits of the petition and all the rights and contentions of the parties are kept open.

6. Writ Petition is disposed of as withdrawn.

(SHARMILA U. DESHMUKH, J.)