



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

WRIT PETITION NO. 3011 OF 2022

(Smt. Shahla wahab Khan w/o. Mohammad Lateef, through her POA Shri Abdul Wahabkhan s/o. Haji Mohd. Ishaque...Versus... State of Maharashtra and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. C.F. Bhagwani, Counsel for the petitioner,
Mr. N.S. Rao, AGP for respondent Nos. 1 and 2.

**CORAM : PRITHVIRAJ K. CHAVAN &
URMILA JOSHI-PHALKE, JJ.**

DATED : 27-10-2023

Heard.

2. By impugned order dated 30.7.2022, respondent had refused refund of stamp duty amount to the tune of Rs. 1,75,000/- (Rupees One Lac Seventy Five Thousand) on the ground that it was beyond the period of limitation of six months.

3. After hearing the learned Counsel for the petitioner and learned AGP for some time, the petition can be disposed of by passing the following order.

ORDER

(i) The impugned communication dated 30.7.2022, passed by the respondent No. 2 is quashed and set aside. The petitioner is

at liberty to approach the respondent within two weeks from today.

(ii) The petition itself be treated as a representation of the petitioner. The respondents shall thereafter giving due opportunity of being heard to the petitioner and after considering the ratio laid down by the Hon'ble Supreme Court in case of *Mr. Rajeev Nohwar Ves. Chief Controlling Revenue Authority Maharashtra State, Pune and others* in *Civil Appeal No. 5970 of 2021* decide the application on its own merits within four weeks, thereafter.

(iii) We make it clear that we have not gone into the merits of the case. All the rights and contentions are kept open.

4. The petition stands disposed of in aforestated terms with no order as to costs.

(URMILA JOSHI-PHALKE, J.) (PRITHVIRAJ K. CHAVAN, J.)

