15.07.2024
(D/L-26)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
C.O. 984 of 2024

Sri Swapan Basak alias
Swapan Kumar Basak & Anr.
-Vs-
Smt. Maju Bhattacharjee & Anr.

Mr. Pinaki Ranjan Mitra,
Ms. Gargi Acharjya,
Mr. Sugata Mukhopadhyay,
… For the Petitioners.

Mr. Suman Dutt,
Mr. Soumendra Rakshit,
Mr. Ratul Das, …. For the Opposite Parties.

The instant application under Article 227 of the Constitution of India is at the instance of the plaintiffs in a suit for specific performance of agreement for sale which is directed against order No. 150 dated February 06, 2024 passed by the 2nd Bench of learned Judge, City Civil Court, Calcutta in the said suit being Title Suit No. 1640 of 2013.

The subject agreement for sale was impounded and was sent to the concerned Collector for assessment of the stamp duty payable on it, such assessment was made and the plaintiffs have paid the assessed stamp duty.

The defendants had raised a dispute with regard to the clarity of the said assessment and prayed re-assessment of the payable stamp duty on the said document.

To resolve the dispute, the learned Trial Judge, by the order impugned, has sought for a report from the Collector.

Mr. Pinaki Ranjan Mitra, learned advocate for the petitioners submits that the assessment once made cannot be re-opened, particularly, when the plaintiffs have already paid the stamp duty in terms of such assessment. He further submits that the report as directed, since has not reached to the learned Trial Judge, the further progress of the suit has been stalled, which is highly prejudicial for the plaintiffs.

Mr. Suman Dutta, learned advocate for the opposite parties submits that the assessment of the Collector is cryptic, as such, it requires clarification for which the learned Trial Judge has called for a report. He however submits that the report must reach to the learned Trial Judge within a reasonable time.

Heard the learned counsel for the parties, perused the materials-on-record.

The course adopted by the learned Trial Judge, to remove the doubts on the assessment of the stamp duty payable on the subject agreement for sale, cannot be faulted inasmuch as the same is necessary to get a clarification of the said assessment.

However, the said report is required to reach to the learned Trial Judge within a reasonable time as the suit is pending since 2013.

This Court is informed that November 5, 2024 is the next date fixed in the suit.

The parties are at liberty to apply before the learned Trial Judge for pre-poning of the said date so that appropriate steps can be taken to get the said report from the Collector, Kolkata Stamp Revenue immediately.

The said Collector is requested to send the said report to the Court below expeditiously.

The Department is directed to communicate this order to the said Collector, Kolkata, Stamp Revenue, Government of West Bengal at 11 Netaji Subhash Chandra Bose Road, Kolkata-700001.

C.O. 984 of 2024 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)