



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 267 OF 2019

Anil Bansilal Lahoti

VERSUS

Power Control Midc Parbhani Through Proprietor Nathu
Gangadhar Rambhad

- Mr. P. N. Kalani, Advocate for the Petitioner
- Mr. V. M. Maney, Advocate for the Respondent

CORAM : R.M. JOSHI, J

DATE : NOVEMBER 25, 2024

PER COURT :

1. Learned Counsel for the Petitioner has drawn attention of the Court to the observations made by the Trial Court in order passed below Exh.30 in paragraph 4 which according to him indicates that the learned Trial Court has refused to rely upon the Government Resolution whereby exemption is granted for the payment of stamp duty in respect of the premises of MIDC. It is, therefore, his submission that the order impugned be set aside and the Trial Court be directed to decide the application Exh. 30 afresh after going through the entire text of Government Resolution dated 01.04.2013. He undertakes to place said Government Resolution before the Trial Court. He further submits

that the suit is for recovery of the earnest money and at the time of agreement to sale the possession of the suit property was not handed over to the plaintiff. As such, stamp duty won't apply as if conveyance.

2. Learned Counsel for Respondent records no objection.

3. In view of the above, impugned order is set aside. The Exhibit 30 is relegated back to the Trial Court for its decision afresh by considering Government Resolution dated 01.04.2013 which is sought to be relied upon by the Petitioner. Application be decided in accordance with law. All issues sought to be raised by the parties are kept open.

(R.M. JOSHI, J.)