

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

**INTERIM APPLICATION NO.14230 OF 2024
IN
APPEAL FROM ORDER NO.1049 OF 2023**

Tarun Mahendra Patel & Anr.	Applicants
IN THE MATTER BETWEEN	
Amool Shivaji Rokade	Appellant
V/S	
Tarun Mahendra Patel & Ors.	Respondents

Mr. Mehul A. Shah *for Applicants.*
Mr. Vishal Dushing a/w Mr.Vaibhav Salvi, Mr. Ashwet Bhoir
for Appellant.
Ms. Manisha Jagtap a/w Ms. Swara Vichare *for Respondent*
Nos.5 and 6-MHADA.

CORAM: SANDEEP V. MARNE, J.
DATE : 09 DECEMBER 2024.

P.C.:

Today order dated 5 December 2024 passed by the Collector of Stamps, Mumbai adjudicating the stamp duty payable in respect of PAAA is placed on record. Accordingly, the learned counsel appearing for both the parties would submit that PAAA is being registered during the course of the day. Mr. Dushing, the learned counsel appearing for original Defendant No.1/Appellant, after taking instructions from his client, makes a statement that

as and when any deficit stamp duty is demanded in respect of PAAA, it will be the responsibility of Appellant/original Defendant No.1 to pay the same and that Appellant/original Defendant No.1 shall forthwith pay such deficit amount of stamp duty. Such an undertaking is given considering the fact that the development agreement is yet to be executed and registered. The concessional stamp duty of Rs.100/- and penalty amount of Rs.100/- is adjudicated by the Collector of Stamps on an assumption that requisite stamp duty shall be paid on the development agreement. Therefore it is clarified and directed that if the Appellant/original Defendant No.1 makes any default in payment of stamp duty on development agreement, he alone shall be responsible for such an act and that PAAA executed and registered in favour of the Respondents shall not be affected by any such conduct of the Appellant/Defendant No.1. It is further clarified that if there is any default on the part of the Appellant/original Defendant No.1 in paying the requisite stamp duty on the development agreement and if such an act has any effect on PAAA executed in favour of Respondents, this Court shall consider initiation of Contempt of Court proceedings against the Appellant. With the above directions, the Interim Application is **disposed of**.

(SANDEEP V. MARNE, J.)

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