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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-5805-2023
Date of decision:-05.11.2024

M/s AB Alcobev Pvt. Ltd.

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Karan Inder Singh, Advocate for
Mr. Aalok Jagga, Advocate
for the petitioner.

Ms.Amrita Garg, AAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

1. Instant writ petition has been filed by the petitioner under Article 226/227 of the Constitution of India, seeking the following relief:

“(i) directing respondent No.1 to 3, to grant manual appointment date for registration of the conveyance deed dated 15.09.2022 (Annexure P5) executed by respondent No.4 in favour of the petitioner by charging stamp duty in terms of the auction price, instead of online mode of appointment available only after payment of stamp duty at Collector Rate, which is arbitrary, inapplicable and unsustainable and in violation of the law laid down by the Hon'ble Supreme Court in the case of **V.N. Devadoss**



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Versus Chief Revenue Control Officer – cum – Ins reported as 2009 (7) SCC 438 which was followed by this Hon’ble Court in Mohali Club Versus State of Punjab, reported as 2010 (4) R.C.R. (Civil) 69.

(ii) *It is still further prayed that this Hon’ble Court may be pleased to issue any other appropriate writ, order or direction as this Hon’ble Court may deem fit and proper in the facts and circumstances of the present case.*

(iii) *It is still further prayed that in interim, during the pendency and subject to outcome of the present petition, this Hon’ble Court may be pleased to allow petitioner to provisionally deposit, the differential stamp duty at the Collector Rate (other than the stamp duty already deposited at auction price) under protest, in the form of fixed deposit bearing interest.*

(iv) *Dispense with the filing of certified copies of aforesaid Annexures and allow/permit the filing of true typed/small font/photocopies/narrow margined/illegible copies of the aforesaid Annexures.*

(v) *Service of advance notices of the writ petition to the respondents may be dispensed with.*

It is still further prayed that this Hon’ble Court may be pleased to issue any other appropriate writ, order or direction which this Hon’ble Court may deem fit and proper in the facts and circumstances of the present case.”



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2. On the basis of short reply filed on behalf of respondents No.1 to 3, State counsel submits that in compliance of the interim order dated 21.03.2023 passed by this Court, conveyance deed has been registered at the auction price. She submits that the respondent – authorities are likely to levy stamp duty on the basis of the market value prevailing on the date of registration.

3. Be that as it may, since the prayer made in the writ petition is for registration of the conveyance deed, which has been duly registered, the writ petition has become infructuous and is dismissed as such.

4. However, liberty is granted to the respondent authorities to proceed under the provisions of the Indian Stamp Act, 1899. In case the petitioner has any grievance, it may take recourse to the remedy available to it in accordance with law.

(SUVIR SEHGAL)
JUDGE

05.11.2024
Brij

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No