

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

WRIT PETITION NO.61 OF 2025

Relcon Infraprojects Limited and Ors.

...Petitioners

V/s.

Inspector General of Registration and
Collector of Stamps, Pune and Ors.

...Respondents

Mr. Mayur Khandeparkar with *Mr. Aseem Naphade, Ms Shriya Mehta i/b. Ms. Akanksha Mishra for the Petitioners.*

Ms. Dhruti Kapadia, AGP for Respondent Nos.1 to 3-State.

CORAM : SANDEEP V. MARNE, J.

Dated : 6 January 2025.

P.C. :

1. **Rule.** *Rule* is made returnable forthwith. With the consent of the learned counsel appearing for parties, the Petition is taken up for final disposal.

2) Petitioner has challenged order dated 9 October 2024 passed by Chief Controlling Revenue Authority, Maharashtra State, Pune (**CCRA**) adjudicating value of partnership in respect supplementary development agreement at Rs.12,60,49,070/- and directing Petitioner to pay deficit stamp duty of Rs.1,91,64,604/-.

3) I have heard Mr. Khandeparkar, the learned counsel appearing for the Petitioners and Ms. Kapadia, the learned AGP appering for the Respondents-State.

4) It appears that originally the Inspecting Team had proposed charging fresh set of stamp duty on the supplementary agreement dated 29 November 2021 on the market value of the property of Rs.25,72,43,000/- and accordingly proposed deficit stamp duty of Rs.1,97,14,604/-. After the remarks of the Inspecting Team were communicated to the Petitioner, it appears that Petitioner raised the contention that full stamp duty was paid on the original development Agreement dated 11 December 2014. Therefore, the learned CCRA apparently sought opinion of the Joint Director of Town Planning (Valuation), Maharashtra State, Pune, who opined that the supplementary agreement has had effect of transferring 49% development rights in favour of the confirming party-M/s. Relcon Krishna Realty LLP (**Relcon LLP**). The Joint Director of Town Planning therefore, opined for the purpose of levy of stamp duty, the market value of 49% transferred development rights be considered as Rs.12,60,49,070/-. It appears that the CCRA has accepted the said opinion of Joint Director of Town Planning and has fixed the market value of the development rights sought to be transferred by supplementary development Agreement at Rs.12,60,49,070/-.

5) Mr. Khandeparkar has two objections to the course of action adopted by the learned CCRA. Firstly, he would submit that opinions of Joint Director of Town Planning were never provided to Petitioner and Petitioner did not have opportunity to deal with the opinions expressed by the Joint Director of Town Planning. The second objection raised by Mr. Khandeparkar is to levy of amount of Rs.1,91,64,604/- by the learned CCRA in the impugned order. He would submit that if the learned CCRA accepted the market value of

transferred portion of development rights at Rs.12,60,49,070/-, it is inconceivable that an amount of Rs.1,91,64,604/- would be payable as a stamp duty on said market value of Rs.12,60,49,070/-. He would submit that on the original development Agreement also stamp duty of Rs.1,37,49,500/- was paid and mere execution of supplementary development agreement cannot entail payment of another set of stamp duty of Rs.1,91,64,604/-.

6) I find considerable force in the submissions of Mr. Khandeparkar. If learned CCRA has accepted the market value of transferred portion of development rights vide supplementary Agreement of Rs.12,60,49,070/-, the stamp duty on the said market value as Rs.12,60,49,070/- ought to have been levied. In my view, therefore, the proceedings deserve to be remanded to the learned CCRA for fresh consideration. Since the proceedings are being remanded, it would also be appropriate that opinion of Joint Director of Town Planning is supplied to the Petitioner and it is given an opportunity to deal with the same. I accordingly, proceed to pass following order:-

- (i) Order dated 9 October 2024 passed by the CCRA is set aside.
- (ii) Proceedings are remanded on the file of learned CCRA for taking a fresh decision.
- (iii) The learned CCRA shall provide copy of the opinion of Joint Director of Town Planning to the Petitioners and shall grant an opportunity to the Petitioners to deal with the same.

(iv) The learned CCRA shall take fresh decision in the proceedings after taking into consideration response of the Petitioners to the opinion of the learned Joint Director of Town Planning.

7) With the above directions, Writ Petition is partly allowed and disposed of. Rule is made partly absolute.

8) All rights and contentions of the parties are expressly kept open.

[SANDEEP V. MARNE, J.]