

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 10129 OF 2024

**Exquisite Buildcon Projects Pvt Ltd,**  
A private limited company incorporated  
under the Companies Act, 1956 through its  
Authorised Signatory & C.E.O. of the  
Company, Mr Rajesh Alias Raajesh Sheth  
having its Registered Office at 506,  
Mastermind-1,  
Royal Palms, Aarey Milk Colony,  
Goregaon (E). Mumbai 400 065  
And also only Communication address at  
504, Marble Park View Building, Opp  
Pawan Hans Airport, Near Ishwalal Park,  
Baptista Road, Vile Parle West,  
Mumbai 400 056 India

**...Petitioner**  
(Ori. Claimant)

SHEPHALI  
SANJAY  
MORMARE

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by SHEPHALI  
SANJAY  
MORMARE  
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~ versus ~

- 1. The State of Maharashtra,**  
Department of Revenue and Forest,  
Floor No 7-MA.A., Madam Cama  
Road, Hutatma Rajguru Chowk,  
Mantralaya (Extension),  
Mumbai 400 032.  
through its Principal Secretary,  
Email: deskm123.rffd-mh@gov.in
- 2. Office of the Inspector General of  
Registration and Controller of Stamps,**  
Ground Floor, Opposite Vidhan  
Bhavan (Council Hall), New  
Administrative Building, Pune 411 001,

Maharashtra, India.

**3. Office of the Collector of Stamps,  
Andheri,**

1st Floor, MMRDA Building,  
Bandra Kurla Complex,  
Bandra (East), Mumbai – 400 051

Email:

cos.adheri@igrmaharashtra.gov.in

**...Respondents**  
(Ori. Respondents)

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**APPEARANCES**

FOR THE PETITIONER    **Mr Rahul Motkari**, with Manasi Pawar.

FOR THE RESPONDENT   **Ms P.J. Gavhane, AGP.**

STATE

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**CORAM : G. S. KULKARNI &  
ADVAIT M. SETHNA, JJ.**

**DATE : 12 FEBRUARY 2025**

**Oral Judgment (Per Advait M Sethna, J.):**

**1.** This petition is filed under Article 226 of the Constitution of India praying for the only substantive relief, which reads thus:

“(a) This Hon’ble Court be pleased to issue a writ of mandamus or any other writ in the like nature thereby directing and ordering the Respondent No. 2 to adjudicate and decide the Petitioner’s Application dated 11.01.2024 (Exhibit ‘K’) at the earliest and within a time bound period.”

**2.** Rule. Respondents waive service. Rule made returnable forthwith. With the consent of the parties, heard finally.

3. Mr. Rahul Motkari, learned counsel for the petitioner would submit that the grievance of the petitioner is restricted to directing the respondents to initiate and complete the process of pending adjudication and decision on the petitioner's application dated 11 January 2024 filed with respondent no. 2 under the Amnesty Scheme 2023 floated under the Maharashtra Stamp Act, 1958. The said application is for the respondents to consider and adjudicate the requisite stamp duty payable under the MoU/Assignment Agreement dated 20 July 2016, which is the subject matter of pending arbitration proceedings before the learned Sole Arbitrator.

4. Ms. Gavhane, learned AGP for the State would oppose the petition. However, there is no written opposition/reply to the said petition.

5. We have heard the learned counsel for the parties and, with their assistance, perused the record. We find that it is undisputed that the application of the petitioner dated 11 January 2024 is pending with respondent no. 2. Therefore, such application ought to be decided in accordance with law.

6. In our view, the following order would meet the ends of justice:

### **ORDER**

- (a) Respondent no. 2 is directed to decide the application of the petitioner dated 11 January 2024 after hearing

the parties and pass a reasoned order in accordance with law, within a period of four weeks from the date of this order is made available to the said respondent.

- (b) All contentions of the parties are expressly kept open.
- (c) The petition is disposed of in the above terms. No order as to costs.

(ADVAIT M. SETHNA, J)

(G. S. KULKARNI, J)