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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3857 OF 2025

Vikalp Infosystems Pvt. Ltd. … Petitioner
V/s.
Inspector General of Registration and Controller of Stamps, State of Maharashtra, Pune & Ors. … Respondents

Mr. Jay Choksi i/by Legal Links for the petitioner.

Mrs. G.R. Raghuwanshi, AGP for respondent Nos.1 to 3-State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 15, 2025

P.C.:

1. By way of the present writ petition filed under Article 226 of the Constitution of India, the petitioner challenges the legality and validity of the order dated 16th December 2024 passed by respondent No.1, purporting to exercise powers under Section 53A of the Maharashtra Stamp Act, 1958 (hereinafter referred to as "the said Act").

2. The relevant facts leading to the institution of the present proceedings are that the petitioner, on 31st December 2009, purchased Unit No. A3 admeasuring 7664 square feet in a commercial complex known as "Ashar I.T. Park", situated on CTS

Nos. 256, 257 (part), 278 (part) and 279 (part) of Village Wagle, Taluka and District Thane, by executing a registered instrument of conveyance. It is the specific case of the petitioner that the stamp duty of ₹3,84,700/- was paid on the said transaction by claiming 75% exemption as per the Government of Maharashtra Notification dated 12th June 2007 issued under the said Act. The market value of the subject premises was determined at ₹2,10,76,000/-.

3. Thereafter, on 5th March 2010, respondent No.2 conducted an inquiry in respect of the said transaction and adjudicated the stamp duty payable thereon. Subsequently, the petitioner received a notice dated 2nd August 2022 issued under Section 53A of the said Act, seeking to recover an alleged deficit stamp duty of ₹12,11,035/- in respect of the same transaction of 2009.

4. The petitioner, in response to the said notice, submitted a detailed reply raising a specific objection that the said demand was ex facie barred by limitation prescribed under the proviso to Section 53A of the said Act. The petitioner submitted that as per the statutory mandate, any action for recovery of deficit stamp duty under Section 53A must be initiated within a period of six years from the date of issuance of certificate under Section 32, 39 or 41 of the said Act, as the case may be.

5. On perusal of the documents placed on record, particularly the communication at page 38 of the writ petition, it is evident that a certificate under Section 32 of the said Act was issued by the Collector of Stamps on 3rd December 2010, whereby the stamp duty payable was adjudicated at ₹69,290/- and a penalty of ₹2,780/- was levied. It is not in dispute that no further action was taken within the period of six years from the said date. The notice issued under Section 53A of the said Act is dated 2nd August 2022, which is clearly beyond the limitation period as prescribed under the proviso to Section 53A(1). Thus, the initiation of proceedings by respondent No.1 for recovery of deficit stamp duty is ex facie barred by limitation.

6. The legislative intent behind the insertion of Section 53A, by Maharashtra Act No. XXVII of 2017, with retrospective effect from 1st May 2012, clearly prescribes a six-year limitation period to ensure certainty and finality in fiscal adjudications. It is a settled principle of law that when a statute provides for a limitation period, the authorities are bound by such prescription, and any action beyond the said period would be without jurisdiction.

7. In the present case, since the certificate under Section 32 was admittedly issued on 3rd December 2010, and the notice under Section 53A was issued only on 2nd August 2022—i.e., after nearly 12 years—the impugned demand raised is clearly time-barred and therefore, unsustainable in law.

8. In view of the foregoing analysis and having regard to the statutory framework as well as the binding precedents, this Court is of the considered view that the action initiated by respondent No.1 by way of the impugned order dated 16th December 2024 is dehors the statutory mandate and thus vitiated.

9. Accordingly, the impugned order dated 16th December 2024 is quashed and set aside. Rule is made absolute in terms of prayer clause (a). There shall be no order as to costs.

(AMIT BORKAR, J.)