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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 193/2024 & CM APPLs.13324-13325/2024

PUNJAB NATIONAL BANK Appellant

Through: Mr. Rajinder Wali, Advocate

versus

KALYANI (INDIA) PRIVATE LIMITED Respondent

Through: Ms. Vaishali Gupta, Mr. Anubhav
Gupta and Mr. Ayush Mittal,
Advocates

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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04.03.2024

1. Present appeal has been filed by the Appellant challenging the order dated 24th January, 2024 passed by a learned Single Judge of this Court in W.P.(C) 2829/2023, whereby the Appellant was directed to refund Rs. 34,10,000/- paid as stamp duty and Rs. 14,37,536/- paid as house / property tax by the Respondent as well as interest from the date of deposit.
2. Learned counsel for the Appellant states that the learned Single Judge failed to appreciate that the Respondent (Auction Purchaser) had participated in the public auction with open eyes and was willing to face the legal impediments which emerged subsequently. He emphasises that the learned Single Judge did not take into account that the Respondent had willingly participated in all subsequent proceedings that came to the knowledge of the Appellant and the Respondent after the sale was conducted in its favour.



3. Issue notice. Ms. Vaishali Gupta, Advocate accepts notice. She prays for and is permitted to file a reply affidavit within four weeks.
4. Till further orders, there shall be a stay on refund of stamp duty as well as interest for the period 15th February, 2019 to 1st March, 2023. Let the remaining portion of the impugned order be complied with.
5. List on 9th July, 2024.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MARCH 4, 2024
AS