

ITEM NO.28

Court No.6

SECTION IX

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).18100/2009

(From the judgement and order dated 07/05/2009 in WP No. 68/2009 of The HIGH COURT OF BOMBAY)

HARI SHANKAR SINGHANIA &amp; ORS.

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA &amp; ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and prayer for interim relief and office report)

Date: 07/08/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE P. SATHASIVAM

For Petitioner(s) Mr. Soli J. Sorabhjee, Sr.Adv.  
Mr. Sanjeev K. Kapoor, Adv.  
Mr. Vishal Gupta, Adv.  
Mr. Kumar Mihir, Adv.

for M/S. Khaitan & Co.

For Respondent(s)

UPON hearing counsel the Court made the following

## ORDER

We find no reason to interfere as the High Court has clearly stated that the petition is being dismissed on the ground of availability of an equally efficacious statutory remedy.

Learned senior counsel appearing for the petitioners, however, expressed an apprehension that the concerned authorities under the Stamp Law have already pre-decided the matter as is evident from the counter filed in the writ petition. We have gone through the counter. The counter was filed taking a particular stand, because certain averments were made in the writ petition. The High Court has made it clear that the Stamp Authority will decide the matter in accordance with law on the basis

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of material placed before him, after considering the submissions made by the petitioners. Merely because certain averments made while traversing writ petition, it does not mean the Authority does not have an open mind. We are sure that the Stamp Authority will consider all the contentions urged by the petitioners on merit, without being prejudiced by the stand taken in the counter and decide the matter in accordance with law.

The special leave petition is dismissed.

(Pawan Kumar)

Court Master

(M.S. Negi)

Court Master