

Atkuri Venkata Krishna vs The State Of Ap on 6 December, 2024

APHC010482302024 IN THE HIGH COURT OF ANDHRA PRADESH

Bench
Sr.No:-17

AT AMARAVATI

[3483]

WRIT PETITION NO: 24898 of 2024 along with
WP.Nos.24644, 26548 & 26689 of 2024

W.P.No.24898 of 2024

Atkuri Venkata Krishna

...Petitioner

Vs.

The State of AP and others

...Respondents

Advocate for Petitioner(s): Mr. P Narasimha Rao (in WP.No.24898 of 2024) Ms. G. Sree Deepthi (in WP.No.24644 of 2024) Mr. P. Sai Surya Teja (in WP.No.26548 & 26689 of 2024) Advocate for Respondents: GP for Registration and Stamps for the official respondents.

CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR SRI JUSTICE RAVI CHEEMALAPATI
DATE : 6th December 2024 PC:

The petitioner(s) are auction purchaser(s) to a piece of property which was auctioned on account of proceedings having been initiated under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

H CJ & RC,J WPs_24898, 24644, 26548 & 26689 of 2024

2. According to the petitioner(s), the stamp duty is payable on the sale value reflected in the sale certificate.

However, it appears, the registration authority is insisting upon payment of stamp duty on the market value reflected in the basic value register.

3. Learned counsel for the petitioner(s) would submit that since the property had been purchased in an auction conducted by the Bank, the stamp duty and registration fee that is payable is on the basis of the value disclosed on the sale certificate and not on the value reflected in the basic value register.

4. The issue as to whether the stamp duty and registration fee have to be paid on the basis of the value on the sale certificate is no longer res integra. A Division Bench of this Court in State of Andhra Pradesh v. Marvel Financial Services Ltd. [W.A.No.17 of 2022, dated 18.10.2022 (a/w

W.A.No.22 of 2022)] had an occasion to deal with this issue wherein it was held as under:

"8..... Having relied upon the said order, the learned Single Judge, while deciding W.P.No.15400 of 2018, has rightly opined that when the sale certificate was issued under the authority of Central enactment, i.e., SARFAESI Act, the value set forth in the said document cannot be doubted and it can be taken as market value of the property for the purpose of registration."

5. Even otherwise, it can be seen that the State Government had earlier issued a Memo, dated 29.04.2024 directing the Commissioner and HCJ & RC, J WPs_24898, 24644, 26548 & 26689 of 2024 Inspector General, Registration & Stamps, to ensure that the auction value/value indicated in instruments be taken into consideration for purposes of determining the stamp duty and registration fee instead of the market value.

6. Be that as it may, we allow these Writ Petitions and direct the respondents - registration authorities to register the document(s) and calculate the stamp duty and the registration fee on the basis of the value indicated on the sale certificate. No order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

DHIRAJ SINGH THAKUR, CJ RAVI CHEEMALAPATI, J Vjl