

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.112 OF 2014
IN
ARBITRATION PETITION NO.1143 OF 2013

Assam Company Limited	Appellant
versus	
M/s.Empress Developers and another	Respondents

Mr.Amol Mhatre with Mr.Dilip Shinde for Appellant.

Mr.Chetan Kapadia with Ms.Kansar Bantwala i/by Tushar Goradia for Respondent no.1.

CORAM : MOHIT S. SHAH, C.J. AND
B.P.COLABAWALLA, J.

DATE : 11 March 2015

PC :

This appeal is directed against order dated 9 January 2014 of the learned Single Judge in Section 9 petition under Arbitration & Conciliation Act, 1996.

2. The learned Single Judge has not passed any orders; final, interim or ad-interim, in Section 9 petition. But when the question arose whether two documents relied upon by the parties were insufficiently stamped, before passing any order,

the learned Single Judge recorded the statement made by the learned counsel for the appellant-original petitioner that Respondent no.2 (Link Holdings Private Limited) had made an application dated 30 September 2013 to the Collector of Stamps, Mumbai and that application was still pending before the Collector of Stamps, Mumbai. The learned Single Judge, therefore, at the request of the original petitioner (appellant before us), adjourned the hearing of Section 9 petition. In view of the above, there is no appealable order passed by the learned Single Judge.

3. Learned counsel for the Appellant, however, submits that Collector of Stamps is likely to be influenced by the observations made by the learned Single Judge in the impugned order dated 9 January 2014 and, therefore, this Court should admit the appeal and examine the question whether the documents in question are insufficiently stamped and need to be impounded.

4. Learned Single Judge has made it clear that in view of the application dated 30 September 2013 made by Respondent no.2-Link Holdings Private Limited, learned Single Judge was not proceeding further in the matter. In this view of the matter, the Collector of Stamps, Mumbai will hear and decide the application dated 30 September 2013 made by Respondent no.2 Link Holdings Private Limited in accordance

with law without being influenced by any observations made in the impugned order dated 9 January 2014.

5. We may not be treated to have expressed any opinion on the question whether the documents in question are insufficiently stamped one way or the other.

6. With the above observations, the appeal stands disposed of with no order as to costs.

(CHIEF JUSTICE)

(B.P.COLABAWALLA, J.)

MST