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

+ **ARB.P. 436/2016**

SCHOLASTIC INDIA PVT. LTD. Petitioner

Through: Mr Vishesh Issar, Advocate.

versus

MEHRAS BOOKS PVT.LTD. & ORS. Respondents

Through: Mr Yashvardhan and Mr Himanshu
Kulshreshtha, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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15.11.2016

1. The petitioner has filed the original of the Trade Distribution Agreement dated 17.04.2013. Although, the said agreement is not stamped, the learned counsel for the petitioner states that the petitioner is ready and willing to pay the Stamp Duty as well as the maximum penalty thereon (10 times the Stamp Duty). The Stamp Duty payable on the said instrument is ₹100 and, therefore, the petitioner would be liable to pay ₹100 as Stamp Duty and ₹1000 as penalty.

2. Since, the Trade Distribution Agreement is not sufficiently stamped, the same is impounded. The petitioner shall deposit the aforesaid sum of stamp duty and penalty with the Registry of this Court.

3. The Registry is directed to send the authenticated copy of the Trade Distribution Agreement alongwith a certificate indicating the amount

deposited by the petitioner as Stamp Duty and Penalty to the Collector of Stamps within one week of the petitioner depositing the aforesaid amount.

4. Since, there is no objection as to the existence of the arbitration agreement an Arbitrator can be appointed subject to the petitioner paying the requisite Stamp Duty and Penalty. At this stage, the learned counsel for the parties requests that the Arbitrator be appointed under the Rules of Delhi International Arbitration Centre (DIAC). Accordingly, it is directed that an Arbitrator be appointed under the Rules of the Delhi International Arbitration Centre (DIAC). The representatives of the parties shall appear before the Co-ordinator, DIAC on 19.12.2016 at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

5. This order is subject to the petitioner depositing the requisite Stamp Duty and Penalty with the Registry.

6. The petition is disposed of.

VIBHU BAKHRU, J

NOVEMBER 15, 2016
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