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

+ O.M.P. (COMM) 102/2017 & I.A. No.2659/2017

M/S JOYALUKKAS INDIA PVT. LTD Petitioner
Through Mr.Wills Mathews, Adv.

versus

PAWAN KUMAR BANSAL & SONS (HUF) Respondent
Through Mr.Ujjawal K Jha, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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27.04.2018

This petition under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner challenging the Interim Award(s) dated 05.07.2016 and 18.07.2016 passed by the Sole Arbitrator adjudicating the disputes between the parties in relation to the Agreement dated 20.01.2006.

The Arbitrator by his Impugned Award dated 05.07.2016 has held that the Agreement dated 20.01.2006 is an Agreement to Lease and it cannot be said to be an Agreement for entering into an Agreement to Lease or MOU and has proceeded to impound the same to be sent to the Collector of Stamp for determination of the Stamp Duty payable thereon along with the penalty, if any, by the petitioner herein. By his order dated 18.07.2016, it has been reiterated that the petitioner herein has to bear the cost of the stamp and the penalty thereon.

Learned counsel for the respondent, on instructions, submits that without prejudice to the rights and claims of the respondent, the respondent is willing to pay the requisite stamp duty as also the penalty, if any, levied by the Collector of Stamp. He submits that this proposal is given so as to avoid further delay in adjudication of the main dispute by the Arbitrator.

In view of the above, I need not, at this stage, go into the issue of whether the Agreement has been rightly held to be an Agreement to Lease and whether the petitioner was rightly directed by the Arbitrator to pay the Stamp Duty on the same. These issues are left open to be determined along with the challenge to the Final Award that may be passed by the Sole Arbitrator, if any party challenges the same being aggrieved thereof. The payment of the Stamp Duty and penalty, if any, levied by the Collector of Stamp shall be deposited by the respondent within a period of four weeks' from today.

The petition along with the pending application is disposed of in terms of the above directions, with no order as to cost.

Dasti.

NAVIN CHAWLA, J

APRIL 27, 2018/Arya