

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO. 211 OF 2019

Writer Business Services Pvt. Ltd.

... Applicant

vs.

Aditya Birla Retail Ltd.

... Respondent

Mr. Sarosh Mohammed i/b. M/s. Praxis Legal for the Applicant.

Mr. Kunal Bhanage for Respondent.

CORAM : A. K. MENON, J.

DATED : 31st JANUARY, 2022

[THROUGH VIDEO CONFERENCE]

P.C. :

1. By an order dated 9th December, 2019 the court recorded that instrument containing the Arbitration Agreement was not traceable. A photocopy was directed to be submitted to the Collector of Stamps for adjudication. It is stated today by Mr. Sarosh learned counsel for the applicant that the duty payable on the document has been adjudicated. However, the computation of stamp duty is excessive and an appeal has been filed to challenge the computation of stamp duty payable.

2. Quite apart from the fact that whether the photocopy would constitute an instrument, it is seen that further challenges cannot be ruled out. In these circumstances the application cannot be kept pending and

liberty can be granted to revive the application after payment of duty has finally adjudicated, in view of the successive prospective challenges.

Accordingly, I pass the following order :

- (i) Arbitration Application is disposed with liberty to revive the application upon stamp duty being paid on the agreement between the parties.
- (ii) No orders as to costs.

(A. K. MENON, J.)