

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO.300 OF 2018

Vijay Sharma ... Applicant

vs.

Vivek Makhija and Anr. ... Respondents

Mr. Sharan Jagtiani, Senior Advocate a/w. Mr. Mikhail Dey i/b. Mr. Dinesh Tiwari & Associates for the Applicant.

Ms. Hiral Thakkar i/b. K. V. Legal for the Respondent.

CORAM : A. K. MENON, J.

DATED : 31st JANUARY, 2022

[THROUGH VIDEO CONFERENCE]

P.C. :

1. This application has been pending since 2018. There are objections on the ground of insufficient stamp duty and the matter was pending adjudication for stamp duty payable since October, 2019.

2. Even today there is no progress in terms of payment of stamp duty. In these circumstances I do not find it appropriate to keep this application pending. It is for the applicant to take a call on payment of duty and at what stage he pays the duty so adjudicated. If he intends to avail of a statutory appeal that is available. there will be further delay in proceeding with this application. Accordingly, I pass the following order :

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(i) Arbitration Application is disposed with liberty to revive the same upon payment of duty as finally adjudicated and paid.

(ii) Upon payment of duty and final adjudication the applicant shall be at liberty to seek revival of the application. No separate application needs to be filed.

3. At this stage Mr. Jagtiani undertakes to file an application for adjudication on or before 15th February, 2022. If such an application is made the Collector of Stamps, Mumbai shall endeavour to adjudicate upon duty payable on or before 31st March, 2022.

(A. K. MENON, J.)