

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 13073 OF 2023
IN
COMMERCIAL ARBITRATION PETITION NO. 4 OF 2022**

M/s Decorazzi Through
its Partner Shiva Garg, ... Applicant/Petitioner

Versus

Garware Technical Fibres Ltd.
(Erstwhile known as Garware Wall
Ropes Ltd.) through its Managing Director ... Respondent

Ms. Chinmayee Ghag i/b Zastriya for the Petitioner.
Mr. Malcolm Desai i/b J. Sagar Associates for the Respondent.

CORAM : R.I. CHAGLA, J.

DATED : 9th OCTOBER, 2023.

ORDER :

1 By this Interim Application the Applicant/Original Petitioner has sought direction to the Sub-Registrar of Stamps, Pune to expedite the process of stamp duty on the impounded original Letter of Intent.

2 The learned Counsel appearing for the Applicant has referred to the order dated 05.12.2022 by which this Court whilst considering the above Petition filed under Section 11 of the Arbitration and Conciliation

Act, 1996 had noted a preliminary objection raised by the Respondent on the ground that the Letter of Intents dated 08.05.2018/agreement in question was not stamped at all. This Court by the said order further noted that the Counsel for the Petitioner has not disputed this position of law and that the said agreement may be impounded and sent to the concerned Registrar of Stamps for adjudication of appropriate Stamp Duty. Thereafter, the present Petition will be taken up for consideration.

3 Accordingly, this Court had by the said order directed the Petitioner to deposit both the documents in question i.e. Letter of Intents dated 08.05.2018 which are required to be impounded with the Registrar (Judicial) of this Court within two weeks from the date of the said order. Further, directions were issued to the Registrar (Judicial) to forward the said documents to the concerned Sub Registrar of Stamps to carry out the exercise of adjudication of appropriate stamp duty payable on the said documents. This Court had directed the Sub Registrar of Stamps to complete the exercise within 45 days of receiving the said documents and had adjourned the Petition awaiting the decision of the Authority.

4 The learned Counsel for the Applicant states that the Applicant has submitted the original Letter of Intents to Registrar (Appellate Side) of this Court on 13.12.2022.

5 The learned Counsel for the Applicant states that upon enquiry, the Registrar of this Court informed that the said documents were forwarded to the Sub-Registrar of Stamps, Pune for adjudication of stamp duty on the impounded documents in the month of December, 2022. However, the Sub-Registrar of Stamps, Pune till date has not adjudicate the stamp duty on the said documents. In view thereof, the present Interim Application has been taken out.

6 The learned Counsel for the Respondent has no objection to the relief sought for in prayer clause (a) of the Interim Application has being granted.

7 Having considered the submissions as well as taking note of the directions issued by this Court in order dated 05.12.2022 including the direction to the Sub-Registrar of Stamps, Pune to complete the exercise of adjudication of stamp duty on the impounded documents within 45 days of receiving the said documents which is noted have been duly forwarded to the Sub-Registrar of Stamps, Pune, the directions in prayer clause (a) of the Interim Application is required to be granted. Hence, the following order is passed :

- i) The Sub-Registrar of Stamps, Pune shall expedite the process of adjudication of stamp duty on the impounded

Letter of Intents dated 08.05.2018 and in any event shall endeavour to complete the same within a period of two weeks from the communication of this order.

- ii) The Advocate for the Applicant shall communicate this order to the Sub-Registrar of Stamps, Pune, forthwith.
- iii) Interim Application is accordingly disposed of.

(R.I. CHAGLA, J.)

Digitally
signed by
WAISHALI
SUSHIL
WAGHMARE
Date:
2023.10.11
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