

Item- 15. 26-11-2024

sg Ct. 12

**FMAT (ARBAWARD) 33 of 2024
CAN 1 of 2024**

Verdant Projects
Versus
Suparna Sen & Ors.

Mr. Sabyasachi Chowdhury
Mr. Sayantan Bose
Mr. Shounak Mukhopadhyay
Ms. Priyanka Gope

...for the appellant

Mrs. Manali Ali
Ms. Parna Roychoudhury

...for the respondent nos. 1, 4 to 6

Ms. Smita Das De
Mr. Prithu Dudhuria

...for the respondent nos. 2 and 3

1. The appeal is arising out of an order passed on 27th June, 2024 in connection with an application under Section 9 of the Arbitration and Conciliation Act, 1996. Admittedly, the appellant was enjoying the interim order since 29th June, 2009.
2. We have been informed that there were as many as 80 sittings in which extensive arguments have been made for impounding the agreement. The agreement is admittedly insufficiently stamped. We wonder how this could happen when the law is quite clear on this point.
3. We appreciate the sentiment expressed on behalf of the opposite parties that they were old when the reference started and by the passage of time, they became older and they are deprived of using their own property. It is contended that they have cancelled in the year 2009.
4. We have been informed that the document has been sent to

the Collector for adjudication of the stamp duty and a dispute is pending with regard to the share on which the stamp duty is required to be calculated.

5. We are of the view that the delay in the said process had only enured to the benefit of the appellant. We direct the appellant to deposit the entire amount as adjudicated by the Collector without prejudice to its rights and contentions within two weeks from date with a right to prefer an appeal if aggrieved by the adjudication of the Collector.
6. The subsisting interim order shall continue for a period of three weeks from date. In default of depositing the impounded amount as determined by the Collector within two weeks as directed, this interim order shall stand vacated. In the event the said amount is deposited, the interim order shall continue till the disposal of the reference.
7. We have been informed that Justice Madhumati Mitra (Retired) had been appointed as Arbitrator on 8th July, 2021 and may be, due to proceeding pending before the Collector, the matter could not be preceded any further.
8. We would request the learned Arbitrator to expedite the process and to conclude the reference preferably by June, 2025 having regard to the age of the respondents, who are by now octogenarians.
9. We direct the parties to communicate this order to the learned Arbitrator for information.
10. The appeal and the application are disposed of.

(Soumen Sen, J.)

(Biswaroop Chowdhury, J.)