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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of decision: 01st July, 2024***
+ **CM(M) 261/2023**

AJIT DHANDA PROPRIETOR Petitioner

Through **Mr. Manohar Malik with Mr. Prateek Chauhan, Advocates.**

versus

M/S CL EDUCATE LTD Respondent

Through **Mr. Rajat Arora with Ms. Mariya Shahab, Advocates.**

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein had invoked arbitration and was a claimant before the Arbitral Tribunal, i.e., *District Level Micro and Small Enterprises Facilitation Council, Ludhiana* which awarded the entire claim with interest. Since the properties of the respondent (non-claimant) were situated in Delhi, execution petition Ex.(Comm.) No.41/2022 titled *Ajit Dhanda vs. M/s. CL Educate* was taken up by the Court of learned District Judge (Commercial Court-01), South-East District, Saket Court, New Delhi (herein referred as 'executing Court') and such execution petition was dismissed on 24.12.2022 on the ground that the arbitral award was unstamped.

2. Admittedly, it was only a photocopy of the award, not the original, which was filed before the executing Court which directed such copy of the arbitral award dated 01.07.2021 to be impounded and



sent to the concerned Collector of Stamps under Section 38 of Indian Stamps Act, 1899 for further necessary action.

3. It is noted that when this matter was taken up by this Court on 28.11.2023, the following directions were passed with the consent of the parties:-

“2. With the consent of the parties, the following directions are being passed: -

2.1 The Petitioner herein will file an appropriate application within two (2) weeks before the District Level Micro and Small Enterprises Facilitation Council, Ludhiana, for the stamping of the original Arbitral Award dated 01.07.2021. This order will be enclosed with the application.

2.2 Upon receipt of Petitioner’s application, the District Level Micro and Small Enterprises Facilitation Council, Ludhiana, is directed to communicate to the Petitioner herein, within two (2) weeks the stamp duty payable on the original Arbitral Award dated 01.07.2021.

2.3 Upon receipt of communication from the Council, the Petitioner herein will deposit the requisite stamp duty within four (4) weeks, with the Council.

2.4 Upon receipt of the requisite stamp duty, the Council will hand-over the duly stamped original Arbitral Award dated 01.07.2021, to the Petitioner for filing before the Executing Court in Ex. (Comm) No. 41/2022.

2.5 The Council is directed to send a report to this Court on or before 31.03.2024.”

4. It is apprised that in terms of the aforesaid directions, the stamp has been duly affixed and, therefore, the execution petition may now be directed to be revived, which had been dismissed in toto.

5. Learned counsel for the respondent has no objection in this regard. She, however, submits that in the last order dated 22.04.2024, it has been, somehow, incorrectly recorded that the “duly stamped



award” had been handed over to the respondent whereas fact remains that such originally stamped award had been handed over to the petitioner.

6. Learned counsel for the petitioner also does admit that the originally stamped award is now with the petitioner.

7. Such statement is taken on record.

8. Since both the sides have, very fairly, admitted that the award has now been duly stamped, with the consent of both the parties, the impugned order, to the extent that it dismisses the execution petition, stands set aside. Both the sides would appear before the learned executing Court on 30th July, 2024 at 2 pm. Learned executing Court would proceed further with the execution petition in accordance with law.

9. Petitioner is also directed to ensure that the original stamped award is filed before the learned executing Court on or before the next date of hearing.

10. Petition stands disposed of in the above terms.

(MANOJ JAIN)
JUDGE

JULY 01, 2024
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