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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **EFA(OS) (COMM) 4/2024 and CM Nos.11651/2024 & 11652/2024**

OMAXE LTD. ..... Appellant

Through: Mr Ramesh Singh, Senior Advocate with Mr Mukti Bodh, Ms Neha Chaturvedi and Ms Hage Namya, Advocates.

versus

JOGINDER SINGH NIJJAR & ANR. ..... Respondents

Through: Ms Shobhana Takiar, Advocate.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

O R D E R

% **26.02.2024**

1. The appellant has filed the present appeal against a common order dated 24.01.2024 passed by the learned Single Judge of this Court in OMP(ENF.)(COMM.) 55/2021 and eight other petitions. However, the appellant has confined the present appeal insofar as the impugned order relates to OMP(ENF.)(COMM.) 55/2021.

2. In terms of the said order, the learned Single Judge had rejected the appellant's contention (who are arrayed as 'the judgment debtor') that the respondents (award holders) were required to deposit penalty of a sum equal to ten times the deficiency of stamp duty.

3. One of the principal questions that arises for consideration is whether the present appeal is maintainable.

4. Mr. Ramesh Singh, learned senior counsel readily concedes that the appeal is not maintainable under Section 13(1A) of the Commercial Courts

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Act, 2015. He, however, submits that it would be maintainable under Section 61 of the Indian Stamp Act, 1899.

5. A plain reading of Section 61 of the Indian Stamp Act indicates that it does not contemplate any appeal by a party to a lis. It merely provides that "*the Court to which appeal lies from, or references are made by, such first-mentioned Court may, of its own motion or on the application of the Collector, take such order into consideration*".

6. The present appeal is, thus, not maintainable and is, accordingly, dismissed.

7. All pending applications are also disposed of.

VIBHU BAKHRU, J

TUSHAR RAO GEDELA, J

FEBRUARY 26, 2024
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