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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 6258 OF 2025**

**IN**

**EXECUTION APPLICATION NO. 47 OF 2025**

Shastri Nagar Triveni CHSL ... Applicant

Versus

SD Construction through its Proprietor  
Shekhar Suman Dadarkar ... Respondent

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Mr. Shanay Shah alongwith Mr. Ashutosh Kaushik, Ms. Namrata Parmar and Ms. Laxmi Mishra instructed by M/s. Kaushik & Co., Advocate for the Applicant.

Mr. Rubin Vakil alongwith Mr. Bharat Mirchandani and Mr. Talib Kalandan instructed by Mr. Manoj Mirchandani, Advocate for the Respondent.

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**CORAM : ABHAY AHUJA, J.**

**DATE : 14 OCTOBER 2025**

**PC. :**

1. This matter was kept back in the morning sessions as the learned Counsel for the Respondent was not available.

2. When the matter is called out in the afternoon session, Mr. Vakil, learned Counsel, appears for the Respondent and submits that on coming Friday, there is an Interim Application that has been listed which is for the impounding of the award on the ground of insufficient stamping.

3. Mr. Vakil submits that the stamp duty payable on the said award is about Rs.50,000/- to Rs.55,000/-. Mr. Vakil submits that therefore this matter be listed alongwith the Interim Application on Friday.

4. Mr. Shanay Shah, learned Counsel, appearing for the Applicant submits that the present Application is for permitting the Applicant to withdraw Rs.2,99,92,346/- deposited by the Respondent in this Court.

5. Mr. Shah submits that this Court may dispose of the Application by keeping on hold the approximate amount of the stamp duty and penalty.

6. Mr. Vakil, learned Counsel, appearing for the Respondent has no objection if subject to the outcome of the proceedings under Section 34 of the Arbitration and Conciliation Act, 1996 the amount of stamp duty and the penalty is withheld before permitting the amounts lying in this Court to be withdrawn.

7. Having heard the learned Counsel and having considered their submissions, this Court is of the view that the Interim Application be allowed and the Applicant be permitted to withdraw Rs.2,99,92,346/- less the amount of stamp duty and penalty, if any, payable on the Award dated 6<sup>th</sup> November 2023.

8. The Prothonotary & Senior Master to permit the withdrawal subject to usual undertakings and after due verification.

**(ABHAY AHUJA, J.)**