

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

SUIT NO. 272 OF 2025
WITH
INTERIM APPLICATION NO. 5654 OF 2025

Lata Umakant Patil & Ors.

.. Plaintiffs

Versus

Naumi Developers

.. Defendant

.....

- Mr. Pravin Tembhekar, Advocate for Plaintiffs
- Mr. Shanay Shah a/w Mr. Chirag Sarawagi i/by Mr. Tushar Goradia, Advocates for Defendant

.....

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 12, 2026

P. C.:

1. Heard Mr. Tembhekar, learned Advocate for Plaintiffs and Mr. Shah, learned Advocate for Defendant.

2. The parties have agreed to refer all the disputes, claims and Counter Claims and contentions arising out of the present Suit to Arbitration before a Sole Arbitrator under the Arbitration and Conciliation Act, 1996 including any modification and / or reenactment thereof.

3. By consent of parties, Mr. Aadil Pasrurampur, learned Advocate of this Court is appointed as a Sole Arbitrator to adjudicate the dispute and differences between the parties forming the subject matter of the present Suit.

4. It is agreed by Plaintiffs that the Suit plaint shall be treated as Statement of Claim in the Arbitral proceedings.
5. The parties shall appear before the learned Sole Arbitrator on such date and at such place as indicated by him to obtain appropriate direction with regard to conduct of the arbitration including fixing a schedule for pleadings, examination of witnesses, if any, schedule of hearing etc.
6. The fees of the learned Sole Arbitrator shall be as prescribed under the Bombay High Court (Fee payable to Arbitrators) Rules, 2018 and the arbitral costs and fees of the Arbitrator shall be borne by the parties in equal portion and shall be subject to the final Award that may be pleased by the Tribunal.
7. All the rights, remedies and contentions of the parties on merits are kept expressly kept open.
8. It is clarified that the merits of the disputes have not been examined by this Court.
9. Suit is disposed of in terms of this order. Interim Application is also disposed.
10. Refund of Court fees, if any as per rules.

11. The Registry shall issue the refund certificate for Court fees within a period of two weeks from today on the basis of a server copy of this order. The refund certificate shall be submitted by Plaintiff to the Collector of Stamp Duty, First Floor, Old Customs House, Mumbai which is the concerned office. Copy of this order shall also be served on the Collector of Stamps, First Floor, Old Customs House, Mumbai.

12. I am informed by several parties who seek such refund that an extraordinary long period of time is taken for refund of the Court fees from the Collector's Office and thereafter from the Pay and Accounts Office. Collector of Stamps shall personally look into this and ensure that the Plaintiff is refunded the Court fees on presentation of a server copy of this order and the refund certificate / letter is issued within a period of four weeks thereafter at the highest. Plaintiff shall give all other details to the Collector of Stamps and the aforesaid order shall be complied with strictly.

13. I am informed that refund of Court fees is then actually issued by the Pay and Accounts Department situated at Bandra. Copy of this order shall also be placed before the Collector of Stamps, Mumbai City and Collector of Stamps, Mumbai MSD and the In-charge of Pay and Accounts Department, Bandra.

14. I am informed that after refund certificate is filed, Collector of Stamps Office has to issue letter / some order to the Pay and Accounts Department for generating the refund and the refund is thereafter received from the Pay and Accounts Department of the State of Maharashtra situated in Bandra. In-charge of the Pay and Accounts situated at Bandra is therefore directed to ensure that whenever letter regarding for refund of Court fees is received from the Office of the Collector of Stamps, the same shall be complied with by its Office within a period of four weeks from the date of receipt of such request and there shall be no delay in this compliance and refund whatsoever.

15. This order is issued by Court because this Court in the present roster has received several complaints that even after orders for refund are issued by the Registry of this Court, *inter alia*, relating to refund of Court fees the same takes an invariably long period of time to get the refund of Court fees and sometimes more than a year.

16. Copy of this order shall be placed before the Registrar General of this Court and he is directed to inform the aforementioned Authorities to ensure that the concerned Government Officers shall comply with the above directions and timeline in the interest of the litigants as soon as the refund certificate is issued within the time stipulated in this order.

17. Collector of Stamps, Mumbai City and Collector of Stamp, MSD are also directed to take cognizance of this order and ensure that compliance of timelines given in this order are duly complied with in all cases of refund of Court fees which are granted by this Court.

Amberkar

[MILIND N. JADHAV, J.]

Digitally
signed by
RAVINDRA
MOHAN
AMBERKAR
Date:
2026.03.12
15:44:19
+0530