

2022 LiveLaw (SC) 435

IN THE SUPREME COURT OF INDIA
M.R. SHAH; B.V. NAGARATHNA, JJ.

Petition for Special Leave to Appeal (C) Nos. 6826-6829/2022; 22-04-2022

WIDESCREEN HOLDINGS PRIVATE LIMITED & ANR. ETC.

Versus

RELIGARE FINVEST LIMITED & ANR. ETC.

Maharashtra Stamp Act, 1958 - Court or a Tribunal cannot impound an insufficiently stamped document unless and until the same is produced on record before it.

(Arising out of impugned final judgment and order dated 10-01-2022 in ARB.A.(COMM.) No. 8/2021 10-01-2022 in ARB.A.(COMM.) No. 6/2021 10-01-2022 in ARB.A.(COMM.) No. 7/2021 10-01-2022 in ARB.A.(COMM.) No. 9/2021 passed by the High Court of Delhi at New Delhi)

For Petitioner(s) Mr. Neeraj Kishan Kaul, Sr. Adv. Mr. Nakul Dewan, Sr. Adv. Mr. Aman Raj Gandhi, AOR Mr. Vardaan Bajaj, Adv. Ms. Ira Mahajan, Adv. Ms. Aarzoo Aneje, Adv. Mr. Ram Chandra Madan, Adv. Ms. Nooran Sarna, Adv. Ms. Neelu Mohan, Adv.

For Respondent(s) Mr. Ashish Dholakia, Sr. Adv. Ms. Aishwarya Singh, Adv. Mr. Akash Panwar, Adv. Mr. Rohan Chawla, Adv. Mr. Shashwat Sarin, Adv. Mr. Sandeep Devashish Das, AOR

ORDER

We have heard Shri Neeraj Kishan Kaul, learned Senior Advocate appearing for the petitioners and Shri Ashish Dholakia, learned Senior Advocate for the respondents.

Considering the fact that even the loan agreement which contains the arbitration clause which was sought to be impounded is not produced before any Tribunal and/or Court and till then, there is no question of impounding any document, the High Court is justified in passing the impugned order.

Shri Kaul, learned Senior Advocate has submitted that the original applicant(s) is not placing on record the original loan agreement containing the arbitration clause. If the original claimant who has initiated the arbitration proceedings relying upon the arbitration clause contained in the loan agreement is not producing the same, it is ultimately for the learned Arbitrator to pass an appropriate order and to take into consideration such a conduct. So far as the impounding of the document is concerned unless and until the same is produced on record before any Court/Tribunal, there is no question of any impounding the same, as observed hereinabove.

The Arbitrator may take call on the impounding of document provided it is produced by the original claimant.

With this observation, the present Special Leave Petition stands dismissed.

Pending application(s), if any, shall stand disposed of.