

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 24322/2014

(Arising out of impugned final judgment and order dated 22-08-2014 in AA No. 45/2013 passed by the High Court Of Judicature At Bombay)

SHRI NILESH SHANTILAL TANK & ANR.

Petitioner(s)

VERSUS

SHRI JAIRAJ DEVIDAS & ORS.

Respondent(s)

WITH

SLP(C) No. 24327/2014 (IX)

Date : 17-01-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. Vivek Jain, Adv.
Mr. Nishant Rao, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s) Ms. Kiran Suri, Sr. Adv.
Mr. S.j. Amith, Adv.
Ms. Vidushi Garg, Adv.
Ms. Aishwarya Kumar, Adv.
Dr. Mrs. Vipin Gupta, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. The issue involves in this case initially related to the maintainability of Section 9 and then Section 11 of the Arbitration and Conciliation Act, 1996 on the ground that the agreement incorporating arbitration agreement is unstamped and un-registered.
2. In view of judgment of the Constitution Bench of this Court in "In Re: Interplay Between Arbitration Agreements Under The

Arbitration And Conciliation Act 1996 And The Indian Stamp Act 1899"; 2023 INSC 1066 : 2023 SCC Online SC 1666, the question is completely answered. We set aside the judgment of the High Court and permit the parties to approach the High Court for appointment of the Arbitrator as well as for the grant of interim relief under Section 9.

3. By order dated 26.09.2014, this Court continued the interim order passed by the High Court till further proceedings. We make it clear that this order shall enure to the benefit of the petitioner(s) for the period of four weeks from today.

4. Special Leave Petitions are disposed of in terms of the above order.

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

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI WASON)
COURT MASTER (NSH)