

MISC Arbitration- 14/2019(C.C)
MISC- 327/2018(Arbitration)

Present: Sri. S.S. Bhatta
Judge, Commercial Court

06/29.08.2019

Ld. Counsel appearing for the petitioner files hazira.

Petitioner files a petition supported by an affidavit and prays for exemption from filing deficit Court Fees. Petitioner also files fresh Vokatnama. Let it be kept with the record.

Today is fixed for taking steps on behalf of the petitioner towards filing of D.C.F.

Perused the petition supported by affidavit.

Heard the Ld. Counsel for the petitioner at length.

Considered.

By dint of the present application the petitioner has stated that he has filed the present case u/s.34 of the Arbitration & Conciliation Act, 1996 challenging the impugned Award dated 12.02.2018 published by Hon'ble Justice Tapan Kumar Dutt, Former Judge, High Court, Calcutta as the sole Arbitrator. According to the petitioner the impugned Award is contrary to the provisions of the Arbitration & Conciliation Act, 1996 and as such the said Award cannot be sustained at all. The petitioner has further contended that the said application was filed before the Ld. District Judge at Barasat, North 24 Parganas on 24.12.2018 along with Court Fees of Rs.500/- which were sufficient one as per the West Bengal Court Fees Act, 1970.

During the course of hearing Ld. Counsel appearing for the petitioner has vehemently argued that sufficient Court Fees were deposited at the time of filing of the present case. He has prayed for exemption from filing further Court Fees.

It reveals from the case record that the petitioner had deposited Court Fees of Rs.500/- at the time of institution of the present Arbitration case. No further assessment was reported in the order sheet. In my considered opinion the submissions as advanced by the Ld. Counsel for the petitioner is bonafide and have merit.

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There is no doubt that the Court Fees for an application u/s.34 of the Arbitration & Conciliation Act, 1996 is Rs.500/- and the said amount was already deposited in the Court by the petitioner at the time of filing the present application u/s.34 of the Arbitration & Conciliation Act, 1996. There is no need to deposit further Court Fees.

Thus I hold and firmly hold that the petitioner has already deposited sufficient Court Fees of Rs.500/- at the time of institution of the present application u/s.34 of the Arbitration & Conciliation Act, 1996.

Hence, the exemption prayed for by the petitioner is allowed.

Fix **11.09.2019** for SR & AD and hearing the petition u/s.14 of the Limitation Act. filed by the petitioner.

Requisites at once.

Judge
Commercial Court
North 24 Parganas
Rajarhat.