

12 Ex.COMM – Award by Arb. Comm. 15/26
KOTAK MAHINDRA PRIME LTD. Vs. GUDDU BHARTI

17.02.2026

Present: None for DH.

This Execution Petition has been filed for enforcement of the Arbitral Award dated 17.06.2025, whereby an amount of Rs. 5,18,069.27/- has been awarded in favour of the Decree Holder (DH). The Arbitral Tribunal has further awarded interest @ 12% per annum till realization of the dues along with cost of Rs.3,500/-.

A perusal of the Award shows that it has been engrossed on a non-judicial stamp paper of Rs.100/- purchased on 12.09.2025. Prima facie, therefore, the Award appears to be insufficiently stamped for the purposes of execution.

It is a settled position of law that an Arbitral Award, before being presented for execution, must be duly stamped in accordance with the applicable stamp laws. In the National Capital Territory of Delhi, Article 12 of Schedule 1A of the Stamp (Delhi Amendment) Act, 2001 prescribes stamp duty @ 0.1% of the amount awarded. This statutory requirement is mandatory in nature and the executing court cannot proceed with an Award unless it bears the requisite stamp duty.

In the present case, the DH has not paid the mandatory stamp duty on the Award before presenting it for execution. The law is trite that payment of proper stamp duty is a condition precedent to the maintainability of execution proceedings. An executing court cannot look into or act upon an insufficiently stamped Award. The deficiency

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in stamp duty cannot be permitted to be made good after the filing of the execution petition, because the petition itself cannot be entertained until the Award is duly stamped. The requirement of presenting a duly stamped document is thus not a procedural formality but a statutory pre-requisite going to the root of maintainability.

In view of the above legal position, and considering that the Award filed along with the present petition is insufficiently stamped and the mandatory stamp duty has not been deposited prior to the filing of the execution petition, this Court holds that the present Execution Petition is not maintainable.

Accordingly, the Execution Petition is **dismissed** as not maintainable.

File be consigned to the Record Room after due compliance.

[Neelam Singh]
District Judge
(Commercial Court)-05
South-East/Saket Courts/ND
17.02.2026