

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). OF 2024
(@ SLP (C) No. 21129/2023)

MOHD. ARIF ROKADIA ...Appellant(s)

Vs.

MOHD SALIM ROKADIA & ORS. ...Respondent(s)

O R D E R

1. Leave granted.

2. This appeal is against the order passed by the High Court of Chhattisgarh at Bilaspur in ARBR No. 17 of 2022 dated 14.07.2023. The above referred ARBR No. 17 of 2022 was filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') for constituting an arbitral tribunal. The High Court after considering the matter dismissed the application under Section 11 *inter alia* on the ground that it is barred by time and also that it is inadequately stamped in light of the judgment rendered in the case of *N.N. Global Mercantile (P) Ltd. vs. Indo Unique Flame Ltd.* reported in 2023 SCC Online SC 495.

3. In view of the subsequent development in *Interplay Between Arbitration Agreements Under Arbitration and Conciliation Act, 1996 and Stamp Act, 1899* reported in 2023 SCC Online 1666, as well as the recent decision rendered in the *SBI General Insurance Co. Ltd. vs. Krish Spinning*

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reported in 2024 SCC Online SC 1754, the appeal has to be allowed.

4. Accordingly, we allow the Civil Appeal arising out of SLP (C) No. 21129 of 2023 and set aside the order of the High Court in ARBR No. 17 of 2022 and remand the matter to the High Court for considering it afresh and passing appropriate orders after taking into consideration the latest decision of this Court referred above.

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

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[SANDEEP MEHTA]

NEW DELHI;
SEPTEMBER 02, 2024

ITEM NO.40

COURT NO.14

SECTION IV-C

**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). 21129/2023

(Arising out of impugned final judgment and order dated 14-07-2023 in ARBR No. 17/2022 passed by the High Court Of Chhatisgarh At Bilaspur)

MOHD. ARIF ROKADIA

Petitioner(s)

VERSUS

MOHD SALIM ROKADIA & ORS.

Respondent(s)

IA No. 192920/2023 - EXEMPTION FROM FILING O.T.

IA No. 192917/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 02-09-2024 These matters were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE SANDEEP MEHTA**

**For Petitioner(s) Mr. Prashant Bhushan, AOR
Mr. Anurag Tiwary, Adv.**

**For Respondent(s) Mr. Anup Kumar Mishra, Adv.
Mr. Satya Kam Sharma, AOR**

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

- 1. Leave granted.**
- 2. The Civil Appeal is allowed in terms of the Signed Order.**
- 3. Pending application(s), if any, shall stand disposed of.**

**(KAPIL TANDON)
COURT MASTER (SH)**

**(NIDHI WASON)
COURT MASTER (NSH)**

(Signed Order is placed on the file)