



2026:DHC:6122



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010707252010

+ EX.P. 118/2010, EX.APPL.(OS) 282/2013, EX.APPL.(OS)
478/2016, EX.APPL.(OS) 479/2016

HARYANA TELECOM LTD

.....Decree Holder

Through: None.

versus

BHARAT SANCHAR NIGAM LTD

.....Judgement Debtor

Through: Mr. M. C. Kochhar, Adv.

CORAM:

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% **30.07.2026**

1. The matter has been called out twice and none appeared on behalf of the Decree Holder.

2. *Vide* order dated 10.07.2026, Decree Holder was directed to furnish the proof of deposit of adequate stamp duty. However, on perusal of the record it appears that the same has not been filed till date.

3. It is trite that an instrument which is not adequately stamped in accordance with the Indian Stamp Act, 1899¹ cannot be enforced.

4. Accordingly, this Court is constrained to take steps in

¹ "Act" hereinafter



accordance with law under Section 33 of the Act which is reads as under:

“(1) Every person having by law or consent of parties’ authority to receive evidence, and every person in charge of a public office, except an officer of police, before whom any instrument, chargeable, in his opinion, with duty, is produced or comes in the performance of his functions, shall, if it appears to him that such instrument is not duly stamped, impound the same.

(2) For that purpose, every such person shall examine every instrument so chargeable and so produced or coming before him, in order to ascertain whether it is stamped with a stamp of the value and description required by the law in force in ¹[India] when such instrument was executed or first executed:”

Provided that—

(a) nothing herein contained shall be deemed to require any Magistrate or Judge of a Criminal Court to examine or impound, if he does not think fit so to do, any instrument coming before him in the course of any proceeding other than a proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1898 (V of 1989);

(b) in the case of a Judge of a High Court, the duty of examining and impounding any instrument under this section may be delegated to such officer as the Court appoints in this behalf.

(3) For the purposes of this section, in cases of doubt, —

(a) 2[the 3[State Government]] may determine what offices shall be deemed to be public offices; and

(b) 4[the 3[State Government]] may determine who shall be deemed to be persons in charge of public offices.”

5. By virtue of Section 33, the Arbitral Award shall be impounded and forwarded to concerned Collector who shall thereafter proceed in accordance with the Act.

6. In this regard, the Decree Holder is directed to deposit the



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original arbitral award before the Registrar General of this Court within 4 weeks.

7. List before Registrar General for the needful on 02.09.2026.
8. Accordingly, the petition is disposed of, with liberty to seek revival after curing defects in accordance with Indian Stamp Act, 1899.

OM PRAKASH SHUKLA, J

JULY 30, 2026/ss