



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १, अंक ३२]

मंगळवार, ऑगस्ट ११, २००९/श्रावण २०, शके १९३१

[पृष्ठे ३, किंमत : रुपये २०.००

असाधारण क्रमांक ५९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Court-fees (Amendment) Ordinance, 2009 (Mah. Ord. XII of 2009), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

[Translation in English of the Bombay Court-fees (Amendment) Ordinance, 2009 (Mah. Ord. XII of 2009), published under the authority of the Governor.]

LAW AND JUDICIARY DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 11th August 2009.

MAHARASHTRA ORDINANCE No. XII OF 2009.

AN ORDINANCE

further to amend the Bombay Court-fees Act, 1959.

WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take

Bom. immediate action further to amend the Bombay Court-fees Act, 1959,
XXXVI for the purposes hereinafter appearing ;

of
1959.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

- Short title and commencement. 1. (1) This Ordinance may be called the Bombay Court-fees (Amendment) Ordinance, 2009.
- (2) It shall come into force on the 1st September 2009.
- Amendment of Schedule I to Bom. XXXVI of 1959. 2. In Schedule I to the Bombay Court-fees Act, 1959,—

Bom.
XXXVI
of
1959.

(a) in article 3, the words and figures "otherwise than under the Arbitration Act, 1940" shall be deleted ;

X of
1940.

(b) after article 3, the following article shall be inserted, namely :—

<p>"3A. Application or petition (including memorandum of appeal) to set aside or modify arbitral award under the Arbitration and Conciliation Act, 1996.</p>	<p>.....</p>	<p>A fee of one-half of the <i>ad valorem</i> fee on the amount or value of the award sought to be set aside or modified, according to the scale prescribed under Article 1."</p>
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26 of
1996.

STATEMENT

Under the Bombay Court-fees Act, 1959 (Bom. XXXVI of 1959), the Court-fees are charged, to meet to some extent, the expenditure being incurred by the State Government on the Administration of Justice. In the last fifty years, the expenditure on the Administration of Justice has increased enormously. To meet part of this huge expenditure, the rates of Court-fees were increased in the year 2002. However, it is found that having regard to the overall inflationary trends in the economy and remarkable fall in the value of money, it is imperative to increase the Court-fees to partially meet the huge expenditure on the Administration of Justice.

2. It is observed that after the commencement of the Arbitration and Conciliation Act, 1996, the number of applications or petitions (including appeals) to set aside or modify arbitral awards are tremendously increasing. As there is no specific article in the Bombay Court-fees Act, 1959 to levy Court-fees on such applications or petitions and appeals, it has become imperative for the Government to incorporate specific article providing for levy of Court-fee at the rate of one-half of the *ad valorem* fee on the amount or value of the award sought to be set aside or modified according to the scale prescribed under Article 1, and thereby to some extent meet the expenditure on the Administration of Justice.

3. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Bombay Court-fees Act, 1959 (Bom. XXXVI of 1959), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 7th August 2009.

S. C. JAMIR,
Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

M. N. GILANI,
Principal Secretary and
Remembrancer of Legal Affairs to Government.