

**Bombay Court-Fees (Amendment And Continuance) Act,
2010**

09 of 2010

[27 April 2010]

CONTENTS

1. Short Title And Commencement
2. Amendment Of Schedule I To Bom. Xxxvi Of 1959
3. Repeal Of Mah. Ord. Iii Of 2010 And Saving

**Bombay Court-Fees (Amendment And Continuance) Act,
2010**

09 of 2010

[27 April 2010]

PREAMBLE An Act An Act further to amend the Bombay Court-fees Act, 1959. WHEREAS the Governor of Maharashtra had promulgated the Bombay Court-fees (Amendment) Ordinance, 2009, on the 11th August 2009, which had come into force on the 1st September, 2009; AND WHEREAS, upon the re-assembly of the State Legislature on the 8th December, 2009, the Bombay Court-fees (Amendment) Bill, 2009 (L.A. Bill No, XIX of 2009), for replacing the said Ordinance by an Act of the State Legislature, was introduced in the Maharashtra Legislative Assembly on the 8th December, 2009, however, the said Bill could not be passed by the Maharashtra Legislature Assembly as the session of the State Legislature was prorogued on the 23rd December 2009; AND WHEREAS, the said Ordinance was promulgated by the Governor of Maharashtra on the 11th August, 2009 and thereafter, in the meanwhile, the Maharashtra Legislature Assembly was summoned to re-assemble on the 9th November, 2009 and the Maharashtra Legislative Council was summoned to re-assemble on the 11th November, 2009, as provided by the Explanation to clause (2) of article 213 of the Constitution of India, the said Ordinance had ceased to operate at the expiration of six weeks from the 11th November, 2009, that is, after the 22nd December 2009; AND

WHEREAS, it was considered expedient to continue the operation of the provisions of the said Ordinance; AND WHEREAS, both Houses of the State Legislature were not in session and Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to continue the operation of the provisions of the said Ordinance, for the purposes hereinafter appearing; and, therefore, promulgated the Bombay Court-fees (Amendment and Continuance) Ordinance, 2010, on the 22nd February 2010; AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-first Year of the Republic of India as follows--

1. Short Title And Commencement :-

(1) This Act may be called the Bombay Court-fees (Amendment and Continuance) Act, 2010.

(2) It shall be deemed to have come into force on the 1st September, 2009.

2. Amendment Of Schedule I To Bom. Xxxvi Of 1959 :-

In Schedule I to the Bombay Court-fees Act, 1959 (hereinafter referred to as "the principal Act"),--

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

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

"3A Application or petition (including memorandum of appeal) to set aside or modify arbitral award under the Arbitration and Conciliation Act, 1996.

A fee 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;.

3. Repeal Of Mah. Ord. Iii Of 2010 And Saving :-

(1) The Bombay Court-fees (Amendment and Continuance) Ordinance, 2010; is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the

principal Act, as amended by this Act.