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

+ **W.P.(C) 4855/2023**

INDIA MART INTERMESH LIMITED Petitioner

Through: Mr. Naman Joshi, Ms. Ritika Vohra
and Mr. Guneet Sidhu, Advocates (M:
9193739786).

versus

COLLECTOR OF STAMPS, KALKAJI & ANR. Respondent

Through: Mr. Udit Malik, ASC for GNCTD
with Mr. Vishal Chanda, Adv. (M:
9999975448).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 18.04.2023

1. This hearing has been done through hybrid mode.

CM APPL. 18721/2023(for exemption)

2. Allowed subject to all just exceptions. Application is disposed of.

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3. The present petition raises an interesting issue as to whether an agreement for co-working space can be termed as a lease or sub-lease and whether stamp duty would be liable to be paid on such an agreement or not.

4. The Petitioner- India Mart Intermesh Ltd. has availed of facilities for ten seats in property bearing B1/E-13, First Floor, Mohan Cooperative Industrial Estate, Mathura Road, New Delhi- 110044 from Respondent No. 2-Top Technologies Pvt. Ltd.

5. The Petitioner presented the agreement to the Collector of Stamps who termed it as a lease.

6. The Petitioner accordingly seeks quashing of order dated 19th December, 2022 passed by the Office of Collector of Stamps/SDM vide

which the impounding of the agreement entered into between IndiaMART Intermesh Ltd. and Top Technologies Pvt. Ltd. to let out a co-working space was upheld. The ground of impounding the said agreement was that it was presented in the form of a general agreement whereas it was a lease agreement and attracted stamp duty. The petitioner has been directed the Petitioner to deposit a sum of Rs.10,000/- as stamp duty and Rs.5,000/- as penalty.

7. The case of the Petitioner is that the use of co-working spaces cannot be termed as lease or sub-lease.

8. The issue deserves consideration as the nature of the agreement in case of co-working spaces would have to be examined and seen as to whether the necessary elements of a lease exist or not. Issue notice. Notice is accepted by Mr. Udit Malik, Id. ASC. Let a counter affidavit be filed within four weeks. Rejoinder, if any, be filed within four weeks.

9. In the meantime, a sum of Rs.10,000/- be deposited with the Collector of Stamps within two weeks without prejudice to rights and contentions of the Petitioner. The same shall be subject to the outcome of this writ petition.

10. The impugned order is stayed subject to the above compliance.

11. List before the Registrar for completion of service and pleadings on 10th July, 2023.

12. List before the Court on 11th October, 2023.

PRATHIBA M. SINGH, J.

APRIL 18, 2023

mr/sk