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A.No.5903 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2026

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THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A No. 5903 of 2024

in

C.S. (Comm.Div.) No. 199 of 2022

Bharath Sanchar Nigam Ltd(BSNL)
Rep., by Deputy General Manager
(Enterprises Business),
Chennai Telephones,
No. 99, J.N.Road, 100 Feet Road, K.K.Nagar
Telephone Exchange Building, K.K.Nagar,
Chennai-78.

..Applicant(s)

Vs

1. M/s Bash Software Labs
Rep. By Its Partners, 267-A, Toshniwal Building,
K.G.Road, Kilpauk, Chennai - 600 010.
2. R Bhuvana Kotteswaran,
Partner, M/s.Bash Software Labs, 267-A,
Toshniwal Building, K.G.Road, Kilpauk,
Chennai-10.
3. V Rajaram,
Partner, M/s.Bash Software Labs, 267-A,
Toshniwal Building, K.G.Road, Kilpauk,
Chennai-10.

..Respondent(s)



A.No.5903 of 2024

PRAYER: To Issue necessary direction by directing the Registry to refund the Court Fee to the Applicant/Plaintiff paid in the above suit.

For Applicant(s): M/s.S.Udayakumar

For Respondent(s): Mr.S.Suresh for R1 to R3.
Mr. Thriyambak J. Kannan
Advocate, As Amicus Curiae

ORDER

This application has been filed to issue necessary direction by directing the Registry to refund the Court Fee to the Applicant/Plaintiff paid in the above suit.

2. It is submitted by the applicant that by order dated 08.06.2023, this Court allowed the application in A. No. 1609 of 2023 filed in the above suit, seeking to refer the suit to arbitration proceedings as per Clause -11 of the Agreement between the parties dated 01.06.2018 under Section 8 of the Arbitration and Conciliation Act, 1996 and accordingly, the above suit was dismissed pursuant to the order made in the said application without any refund of court fee. It is further submitted that a court fee of Rs.10,86,148/- was paid on plaint at the time of presentation and since without any trial, the suit has been dismissed and referred to arbitration, the applicant/plaintiff is entitled to get refund of court fee paid on the plaint and thus, sought for allowing this application.

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3. This court by its earlier order dated 04.12.2024 has appointed Mr.Thriyambak J Kannan, learned counsel as Amicus Curiae to clarify as to whether refund of court fees can be granted by this Court despite the fact that the plaintiff has contested the application in A. No. 1609 of 2023 filed under Section 8 of the Arbitration and Conciliation Act, 1996 and had not succeeded in the said contest as this Court had allowed the application by referring the dispute to arbitration and thereafter, whether the plaintiff can seek for refund of court fees, which was paid at the institution of the suit and accordingly, the learned Amicus Curiae has filed his notes of submissions.

4. The learned counsel for the respondents have also submitted that he has got no objection in allowing this application.

5. The services rendered by the learned Amicus Curiae is very much appreciated.

6. Heard the parties and perused the materials available on record.

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7. The issue is no longer res integra in view of the amendment to Section 69-A of the Tamil Nadu Court Fees and Suits Valuation Act, 1955 with effect from 01.03.2017, and the decision of this Court in **Tidel Park Limited v. M/s.Arkey Energy (Rameswaram) Limited**, reported in **2018 (3) CTC 117**. Even though the suit was dismissed consequent upon the application under Section 8 of the Arbitration and Conciliation Act, 1996, being allowed, the plaintiff is entitled to refund of the court fee paid in respect of the claims referred to arbitration.

8. Hence, the registry is directed to refund the court fee paid in respect of the claims referred to arbitration. In respect of the other claims, the refund request is rejected. Accordingly, this application is allowed. No costs.

21-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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DR.A.D.MARIA CLETE, J.

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