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

+ **W.P.(C) 5895/2017**

**RAJ KUMAR GUPTA**

..... Petitioner

Through: Mr Sanjeev Anand, Mr Sandeep  
Chandna and Mr Akshay Kapur,  
Advocates.

versus

**GOVT. OF NCT OF DELHI**

..... Respondent

Through: Mr Devesh Singh, ASC (Civil),  
GNCTD with Ms Neelam Kholiya,  
Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**

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**17.07.2017**

**CM No. 24562/2017**

1. Allowed, subject to all just exceptions.

**W.P.(C) 5895/2017**

2. The petitioner has filed the present petition, *inter alia*, seeking an order directing respondent to forthwith release the amount of unused court fees. The petitioner states that it had applied court fees of ₹1,40,000/- for the purpose of filing a suit. However, that court fees was not used; the petitioner did not file a suit as the disputes between the parties have been resolved amicably. The petitioner merely seeks refund of the court fee paid.

3. The petitioner is aggrieved as his request for refund has been denied vide respondent's letter dated 19.01.2017 with the observations that

necessary orders be obtained from the Court for refund of the court fees. It is apparent that the said decision is without application of mind as the Sub-Divisional Magistrate has failed to consider that the petitioner did not institute the suit for which court fee was purchased. Since no proceedings were instituted, no orders for refund by the court could have been passed. In the event, the petitioner is correct that the court fee remains unused, the Sub-Registrar is required to take necessary steps for return the court fees, in accordance with law. It is so directed.

4. The writ petition is disposed of with the direction that if the petitioner's application is found in order, the respondent shall take all necessary steps, in accordance with law, within a period of two weeks from today for refund of the Court fee.

**VIBHU BAKHRU, J**

**JULY 17, 2017**  
**MK**