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

+ **CS(COMM) 678/2017**

ENGINEERING PROJECTS (INDIA) LTD. Plaintiff

Through: Mr. Alakh Alok Shrivastava with
Mr. Harpreet Kaur, Advocates

versus

ENGINEERS INDIA LTD. & ANR Defendants

Through: Mr. Navin Kumar with Mr. Rashmeet
Kaur and Ms. Arpana Majumdar,
Advocates

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **20.02.2018**

IA No. 13429/2017

By this application, plaintiff seeks refund of full Court fees under Section 16 of the Court Fees Act.

I may note that Section 16 of the Court Fees Act will not apply because parties have not settled the matter by being referred to Mediation Centre, under Section 89 of the Code of Civil Procedure.

In any case, in Delhi, it is not Section 16, but Section 16-A of the Court Fees Act which will apply and therefore plaintiff can only be granted the benefit of 50% refund of the Court Fees. I have in this regard so held by order dated 9th February, 2018 in CS(COMM) 1464/2016 titled MS NUTAN BATRA vs. M/s. BUNIYAAD ASSOCIATES & ANR. This order dated 9th February, 2018 reads as under :-

“IA No. 1650/2018 (for modification by plaintiff)

This application is misconceived and dismissed because the provisions of Section 16 and 16-A of the Courts-fees Act, 1870 (as applicable to Delhi) have to be read together. Section 16-A of the Court-fees Act has been specifically added for Delhi and which provides that only 50% of the Court fee is refundable and that too if the case is compromised before commencement of evidence in the suit. The compromise which is subject matter of Section 16-A of the Court Fees Act (as applicable to Delhi) will include compromise before the mediation & Conciliation Centre and it cannot be that if a matter is compromised before the Mediation & Conciliation Centre, then, the entire court fee will be refunded as per Section 16. To take such an interpretation will be to wipe off Section 16-A from the statute book and which specifically is applicable for Delhi.”

Dismissed.”

Accordingly, plaintiff is held entitled to held refund of 50% of the Court fee in terms of Section 16-A of the Court Fee Act, as applicable in Delhi.

Registry is directed to issue the necessary certificate to the plaintiff.

VALMIKI J. MEHTA, J

FEBRUARY 20, 2018/P