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

+ **W.P.(C) 10691/2017**

BALI HOMES PVT. LIMITED

..... Petitioner

Through Mr Siddhartha Jain, Advocate.

versus

GOVERNMENT OF NCT OF DELHI AND ORS. Respondents
Through Mr Naushad Ahmad Khan, ASC (Civil)
GNCTD.

Mr Sonia Sharma, Standing Counsel for
DHC Respondent No.5.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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01.12.2017

CM No 43841/2017

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents to refund the amount of Court Fees in view of the certificate issued by this Court under Section 16A of the Court Fee Act, 1870 in respect of a suit bearing No. **CS (OS) 176/2009** captioned as ***Bali Homes Pvt Limited v. Thapar Homes Limited***.

4. The disputes in the aforesaid suit were settled amicably and by an order dated 16.09.2011, this Court had directed that 50% of the Court Fee be

refunded to the plaintiff (the petitioner herein). The learned counsel for respondent no.5 has drawn the attention of this Court to the receipt (at page 25 of the paper book) documents indicating that respondent no.2 had received a copy of the order along with original stamp papers worth ₹3,10,000/-.

5. Since the certificate for refund of Court Fee has been issued by this Court and the receipt of the said certificate as well as the original stamp papers have been acknowledged by respondent no.2, the refund of court fee as directed must be effected.

6. Accordingly, respondent nos. 1 to 4 are directed to take necessary steps to ensure that the Court Fee as directed is refunded to the petitioner within a period of four weeks from today. It appears that the original stamp papers are not readily traceable, respondent nos. 1 to 4 shall take all steps to ensure that the same are traced. Notwithstanding, the same the refund of fee to the petitioner would not be withheld.

7. The petition is disposed of with the aforesaid directions.

VIBHU BAKHRU, J

DECEMBER 01, 2017

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