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

+ **W.P.(C) 11692/2017**

SMT. SWARN KAPOOR

..... Petitioner

Through Ms Shikha Sapra, Advocate.

versus

STOCK HOLDING CORPORATION OF
INDIA LTD. AND ORS.

..... Respondents

Through Mr Dhananjaya Mishra, Advocate for R2,
R3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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08.01.2019

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents for refunding the amount paid by the petitioner for the purchase of e-stamp paper.
2. The petitioner is stated to be a senior citizen of ailing health. She had purchased e-court fee in the sum of Rs. 2,10,000/-, for filing a civil suit to challenge certain documents, which she alleged were forged. The said sum was paid on 30.05.2016 by way of demand draft bearing No. 421264, dated 26.05.2016, drawn on Punjab & Sindh Bank, Mukherjee Nagar.
3. The e-court fee stamp was issued on 08.06.2016. It is stated that the said Court fee was in the possession of the learned counsel for the petitioner who, unfortunately, expired on 12.01.2017. the petitioner states that the entire file of the petitioner's case along with the e-court fee, which was in

possession of her counsel was lost and an FIR bearing No. 383732 was also registered on 21.03.2017. Thereafter, the petitioner made an application to respondent no.1 requesting for refund of the e-court fees that was lost.

4. In the meanwhile, the petitioner filed the suit for which the e-court fee was purchased. But, since the e-court stamp paper was lost, she was compelled to purchase a separate set of court fees for a sum of Rs.2,10,000/

5. The petitioner has filed the present petition praying that the respondents be directed to refund the amount paid for purchase of e-stamp paper that was lost.

6. On 12.07.2018, this Court had directed respondent no.1 to file an affidavit affirming that the e-stamp paper issued to the petitioner, which is stated to have been lost by the petitioner/counsel, has not been used till date. The respondent no.1 was further directed to also ensure that the said e-stamp paper is not used in future as well. Respondent no.1 has filed an affidavit clearly affirming that the e-stamp paper court fee (DLCT0156F1623 L167) has not been locked, that is, it has not been used. It is also affirmed that respondent no.1 has made/caused necessary entries in its records to ensure that the said e-court fees receipt is not capable of being used in future as well.

7. In view of the above, there is no apprehension of the misuse of the e-stamp paper purchased by the petitioner. This Court is also of the view that in the circumstances that there is no reason for denying the refund of court fee to the petitioner

8. The controversy involved in the present petition is also squarely covered by the decision of a coordinate Bench of this Court in ***Dr Poornima Advani & Anr. v. Govt. of NCT of Delhi & Anr. : W.P. (C) No. 9014/2017***

decided on 20.08.2018.

9. In view of the above, respondent no.3 is directed to refund the amount pertaining to the e-court fee receipt no. (DLCT0156F1623 L167) within a period of three weeks from today. This is subject to deduction of the necessary transaction charges and the petitioner complying with all other necessary formalities.

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

11. Order *dasti* under signature of the Court Master.

VIBHU BAKHRU, J

JANUARY 08, 2019

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