

Kavita S. J.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN ITS COMMERCIAL DIVISION
ADMIRALTY & VICE-ADMIRALTY JURISDICTION**

COMMERCIAL ADMIRALTY SUIT NO. 18 OF 2023

Union Bold Limited

... Plaintiff

Versus

MV GREEN HOPE (IMO No. 9629160)

.... Defendant

Mr. Ashwini Sinha i/b Adil Patel, Advocate for Plaintiff.

CORAM : R.I. CHAGLA, J.

DATED : 5TH FEBRUARY, 2024.

ORDER:

1. The learned Counsel for the Plaintiff has sought refund of excess Court Fees which is an amount of INR 1,22,370/- which has been inadvertently paid as Commercial Court Fees in the above Suit. As per the claim in the above Admiralty Suit, the amount of Rs.1,77,630/- was payable. Accordingly, the Application is made for refund of excess Court Fees in view of the above Suit having been disposed of as withdrawn by order dated 27th July, 2023.

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2. Having considered the submissions, by the said order dated 27th July, 2023, this Court had directed that the Court Fees be refunded in accordance with the Rules. The claim in the above Suit is USD 166,223.45 equivalent to INR 1,36,32,068.25. Thus, Court Fees of INR 1,77,630/- was payable. The Plaintiff has paid an excess amount of INR 1,22,370/- and accordingly paid the maximum Court Fees of INR 3,00,000/-.

3. The Department has sought order of this Court for the release of excess Court Fees which has been deposited by the Plaintiff.

4. In view thereof, considering that as per the relevant Rules, the Court Fees payable is a sum of Rs.1,77,670/- and excess fees has been paid of INR 1,22,370/-, the Department is directed to refund the excess amount of INR 1,22,370/- which has been paid as Court Fees.

5. This shall be in addition to refund of 2/3rd of INR 1,77,630/- which is the Court Fees payable and which has been paid.

6. The praecipe is accordingly disposed of.

[R.I. CHAGLA, J.]