

(This is the corrected copy of the order)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17669 OF 2024

Satish Rambhauji Soni

....*Petitioner*

: *Versus* :

The State of Maharashtra & Ors.

....*Respondents*

Mr. Narayan Sahu *a/w. Ms. Shraddha Khandhadia, for the Petitioner.*

Ms. Kavita N. Solunke, *AGP for State.*

CORAM : SANDEEP V. MARNE, J.

Dated : 12 March 2025.

P.C. :

1) Rule. Rule made returnable forthwith. With the consent of the learned counsel appearing for the parties, the petition is taken up for hearing and final disposal.

2) The petition challenges the order dated 13 June 2024 passed by the Collector of Stamps, Mumbai rejecting the application filed by the Petitioner for refund of court fees on the ground of filing of application beyond the prescribed period of six months under Rule 55(b) of the quoted Rules.

3) I have heard Mr. Sahu, the learned counsel appearing for the Petitioner and Ms. Solunke, AGP for State.

4) It appears that the Petitioner had purchased court-fees of Rs.8,600/- for presentation of petition under Section 34 of the Arbitration and Conciliation Act, 1996. The court-fees were apparently

purchased through Challan on Appellate Side when infact the Challan on Original Side was required to be procured. He filed application before the Registrar, (Judicial) of this Court on 11 January 2022 seeking refund of court fees of Rs.8,600/- erroneously paid on the Appellate Side. The said application was filed within one month of the date of purchase of challan i.e. on 28 December 2021. It appears that the Registry of this Court took some time for issuance of a Certificate certifying that the Challan was not used in court proceedings. Such Certificate was issued to the Petitioner by Registrar (Judicial-1) on 14 February 2024. Armed with that Certificate, Petitioner approached the Collector of Stamps seeking refund of the court fees.

5) Considering the above position, the Collector of Stamps could not have considered the date of making application to him for the purpose of computing the period of six months. The Collector ought to have considered the date of making application before the Registrar of this Court on 11 January 2022 for computing the period of limitation. The application for refund was thus filed withing the prescribed period of 6 months. The Petitioner has thus made out a clear case of refund of court-fees of Rs.8600/-. Since court-fees are actually not utilised in any legal proceedings, the Government cannot indulge in unjust enrichment for retaining the amount of such court-fees.

6) The petition accordingly succeeds. The order dated 13 June 2024 passed by the Collector of Stamps, Mumbai is set aside. The Collector is directed to refund the court-fees within a period of 4 weeks. The Writ Petition is **allowed** in the above terms. Rule is made absolute. There shall be no order as to costs.

[SANDEEP V. MARNE, J.]

Note :Corrections are carried out in para-6 only, rest remains undisturbed.

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