



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CR-2749-2023

Date of decision : 04.09.2025

G.S. Industries

... Petitioner

Versus

Uttri Haryana Bijli Vitran Nigam Ltd. and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.R.S. Mamli, Advocate for the petitioner.

Mr.Baldev Raj Mahajan, Senior Advocate with
Mr.Anil Chawla, Advocate,
Ms.Nikita Goel, Advocate and
Ms.Harita Dhanda, Advocate for the respondents.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 06.04.2023 (Annexure P-4) passed by the Civil Judge (Jr.Div.), Jagadhri, vide which the petitioner-plaintiff has been held liable to pay ad-valorem court fee on the amount claimed i.e. Rs.10,97,039/-.

ARGUMENTS ON BEHALF OF THE PETITIONER

2. Learned counsel for the petitioner has submitted that the petitioner had filed a suit for declaration to the effect that the checking reports dated 25.05.2017, notice dated 26.05.2017 and order of assessment dated 26.08.2017 were illegal, null and void and a consequential relief of mandatory injunction directing the defendants to refund the amount which



had been taken from them under the abovesaid orders, was sought. It is submitted that the main prayer of the petitioner was for declaration and a consequential relief of mandatory injunction seeking refund was sought and the petitioner was only liable to pay court fee on the primary relief. It is submitted that with respect to payment of court fee on the consequential relief, the petitioner would be liable only if the trial Court grants the said consequential relief. It is submitted that the application filed by the defendants-respondents under Order 7 Rule 11 CPC was wrongly allowed vide impugned order to the extent that the present petitioner was directed to pay ad-valorem court fee on the amount of Rs.10,97,039/-. It is submitted that the order dated 06.04.2023 deserves to be set aside and the application filed by the defendants-respondents under Order 7 Rule 11 CPC deserves to be dismissed in toto.

ARGUMENTS ON BEHALF OF THE RESONDENTS

3. Learned senior counsel for the respondents, on the other hand, has submitted that in the present case, a reading of the plaint and prayer clause would clearly show that the relief for refund of the amount stated to have been recovered by the defendants has also been sought. It is submitted that the said amount has been quantified in paragraph 9 of the plaint and it is only by way of clever drafting that the said relief has been purposely claimed after the claim for declaration. It is submitted that although a prayer for mandatory injunction has been made but in effect it is a suit for recovery and thus, the same would be governed by the provision of Section 7(i) of



the Court Fees Act, 1870 and the petitioner would be required to pay the ad-valorem court fee on the recovery amount i.e., Rs.10,97,039/-. It is further submitted that since in pursuance of the assessment order, it is the case of the petitioner himself that the money has already been paid, it is apparent that the present suit has been filed for recovery of the same. It is submitted that the order dated 06.04.2023 passed by the trial Court is in accordance with law and deserves to be upheld.

ANALYSIS AND FINDINGS

4. This Court has heard learned counsel for the petitioner as well as learned senior counsel for the respondents and has perused the paper book and finds that the present revision petition is meritless and deserves to be dismissed and the impugned order dated 06.04.2023 deserves to be upheld for the reasons stated hereinafter.

5. The petitioner had filed a suit with the following prayers:-

“It is, therefore, most respectfully prayed that a decree for Declaration to the effect that checking report i.e. form LL-1 5488/618 dated 25-05-2017 & 5489/618 dated 25-05-2017 and notice bearing memo no.1977 dated 26-05-2017 and order of assessment bearing memo no. 1976 dated 26-08-2017 are wrong, illegal, null, void and are procured documents and are not binding on the rights of the plaintiff, in any manner and for consequential relief of Mandatory Injunction directing the defendants to refund the amount illegally and wrongfully recovered by the defendants from the plaintiff under the garb of above said checking report, test report and notice by using coercive method along with interests, costs and damages on



the amount, may kindly be passed in favour of the Plaintiff with costs of the present suit of the Plaintiff.”

6. Paragraph 9 of the plaint, which is also relevant for adjudication of the present case, is reproduced hereinbelow:-

*“9- That the when the plaintiff contacted defendant, they have again given an order of assessment bearing memo no. 1976 dated, 26-05-2017 and **threatened to recover the amount of Rs.7,97,039/- on account of theft of electricity and compounding fee of Rs.3,00,000/-**. The plaintiff is a respected person and the defendants have threatened him that they will implicate in so many cases of theft of electricity and a criminal case will be lodged against him and because of those pressure of the defendants, **the plaintiff has deposited an amount of Rs.10,97,039/- with the defendants. The receipts are enclosed herewith.**”*

A perusal of the above paragraph and a reading of whole plaint would show that it was the case of the petitioner that in pursuance of the assessment order dated 26.08.2017, the petitioner-plaintiff had deposited an amount of Rs.10,97,039/- on account of theft of electricity and compounding fee, the refund of which the petitioner was seeking. On account of clever drafting, the petitioner had sought the relief of mandatory injunction for refund of the amount but in effect it is apparent that the relief sought is for recovery of the said amount. Even the refund sought was quantified as mentioned in the plaint.

7. Section 7(i) of the Court Fees Act, 1870 reads as under:-

“7. Computation of fees payable in certain suits.-The amount



of fee payable under this Act in the suits next hereinafter mentioned shall be computed as follows :-

for money.-(i) In suits for money (including suits for damages or compensation, or arrears of maintenance, of annuities, or of other sums payable periodically)- according to the amount claimed; ”

A perusal of the above provision would show that Section 7 of the Court Fees Act, 1870 deals with computation of Court fee payable in certain suits. In a case of suit for money including suit for damages or compensation or for other sums, the Court fee is payable according to the amount claimed. A careful reading of the plaint would show that in effect the petitioner is claiming the refund of Rs.10,97,039/- and thus, is liable to pay ad-valorem court fee on the said amount. The trial Court vide order dated 06.04.2023, after taking into consideration the said provision and also after observing that the petitioner-plaintiff was seeking refund of the amount, had rightly come to the conclusion that the plaintiff-petitioner was required to pay ad-valorem court fee on the amount claimed i.e., Rs.10,97,039/-, whereas court fee of Rs.10/- only had been affixed. Moreover, no law has been cited by the learned counsel for the petitioner on the aspect that in case, the relief for refund / recovery is sought as a consequential relief, then, the petitioner is not required to pay the court fee as required under Section 7(i) of the Court Fees Act.

8. The Hon'ble Supreme Court in the case of "***Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil***", reported as ***(2010) 8 Supreme Court Cases 329***, had observed that the High Courts cannot, at the



drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227, but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

9. Keeping in view the above said facts and circumstances, the impugned order deserves to be upheld and is accordingly upheld and the present revision petition filed by the petitioner being meritless, deserves to be dismissed and is accordingly dismissed.

(VIKAS BAHL)
JUDGE

September 04, 2025.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No