

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL SUIT NO. 17 OF 2026
WITH
INTERIM APPLICATION (L) NO. 38684 OF 2025
IN
COMMERCIAL SUIT NO. 17 OF 2026

IIFL Facilities Services Limited .. Plaintiff
Versus
JMMS Megal Projects Private Limited .. Defendant

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- Mr. Karl Tamboly a/w. Anuj Desai, Ms. Chitra Rentala, Ms. Kriti Srivastava and Khyati Mehrotra, Advocates i/by Trilegal for Plaintiff.
 - Mr. Vivek Kantawala a/w. Saumil Kothari, Advocates i/by MM Legal Associates for Defendant.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 23, 2026.

P.C.:

1. Heard Mr. Tamboly, learned Advocate for Plaintiff and Mr. Kantawala, learned Advocate for Defendant.
2. Mr. Tamboly after briefly arguing for some time has taken appropriate instructions and informs the Court that Plaintiff be allowed to withdraw the Suit proceedings keeping all contentions of the Plaintiff to take out appropriate proceedings under the Arbitration and Conciliation Act, 1996 open for Plaintiff to pursue before the appropriate / designated Court in respect of the cause of action in the Suit proceedings.

3. In that view of the matter, he seeks leave to withdraw the present Suit keeping all contentions of Plaintiff open in accordance with law.

4. Leave and liberty is granted to the Plaintiff as available to Plaintiff in the appropriate Arbitration proceedings as above.

5. All contentions of both the parties are expressly kept open without this Court giving any imprimatur on the facts or opinion on the merits of the matter.

6. Suit is disposed as withdrawn.

7. Refund of Court fees as per Rules.

8. The Registry shall issue the refund certificate within a period of two weeks from today on the basis of a server copy of this order. The refund certificate shall be submitted by Plaintiff to the Collector of Stamp Duty, First Floor, Old Customs House, Mumbai which is the concerned office. Copy of this order shall also be served on the Collector of Stamps, First Floor, Old Customs House, Mumbai.

9. I am informed by several Plaintiffs who seek such refund that an extraordinary long period of time is taken for refund of the Court fees from the Collector's Office and thereafter from the Pay and Accounts Office. Collector of Stamps shall personally look into this and

ensure that the Plaintiff is refunded the Court fees on presentation of a server copy of this order and the refund certificate / letter is issued within a period of four weeks thereafter at the highest. Plaintiff shall give all other details to the Collector of Stamps and the aforesaid order shall be complied with strictly.

10. I am informed that refund of Court fees is then actually issued by the Pay and Accounts Department situated at Bandra. Copy of this order shall also be placed before the Collector of Stamps, Mumbai City and Collector of Stamps, Mumbai MSD and the In-charge of Pay and Accounts Department, Bandra.

11. I am informed that after refund certificate is filed, Collector of Stamps Office has to issue letter / some order to the Pay and Accounts Department for generating the refund and the refund is thereafter received from the Pay and Accounts Department of the State of Maharashtra situated in Bandra. In-charge of the Pay and Accounts situated at Bandra is directed to ensure that whenever letter regarding for refund of Court fees is received from the Office of the Collector of Stamps, the same shall be complied with by its Office within a period of four weeks from the date of receipt of such request and there shall be no delay in this compliance and refund whatsoever.

12. This order is issued by Court because this Court in the present roster while handling matters where refund of Court fees is

given has received several complaints that even after orders for refund are issued by the Registry of this Court, *inter alia*, relating to refund of Court fees the same takes an invariably long period of time to realise the Court fees and sometimes more than a year.

13. Copy of this order shall be placed before the Registrar General of this Court and he is directed to inform the aforementioned Authorities to ensure that the concerned Government Officers shall comply with the above directions and timeline in the interest of the litigants.

14. Collector of Stamps, Mumbai City and Collector of Stamp, MSD are also directed to take cognizance of this order and ensure that compliance of timelines given in this order are duly complied with in all cases of refund of Court fees which are granted by this Court.

15. Commercial Suit is disposed in the above terms.

16. In view of disposal of Commercial Suit, pending Interim Application (L) No.38684 of 2025 is accordingly disposed.

[MILIND N. JADHAV, J.]

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