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

+ **CS(OS) 126/2020**

HSIL LTD. & ANR.

.....Plaintiffs

Through: Mr. Manav Gupta, Mr. Sahil Garg,
Mr. Ankit Gupta, Mr. Abhinav Jain, Mr. Mithil
Malhotra and Mr. Aryan Pandey, Advocates.

versus

ICICI SECURITIES LTD AND ORS.

.....Defendant

Through: Mr. Kapil Wadhwa and Ms. Apoorva
Maheshwari, Advocates for D4 to D6.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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04.05.2026

I.A. 12269/2026 (joint application under Order XXIII Rule 3 read with Section 151 CPC)

1. The present application has been jointly filed by the parties for decreeing the suit in terms of settlement agreement dated 01.04.2026.
2. It is stated in the application, that during pendency of the present suit, parties have arrived at a settlement, terms whereof have been reduced in writing in the form of settlement agreement dated 01.04.2026, a copy of which has been annexed to the present application as Document no.1.
3. Learned counsels appearing on behalf of the parties submit that settlement agreement dated 01.04.2026 has been signed by all the parties. The application is also signed by all the parties and supported by their affidavits.
4. Having gone through the terms of the settlement agreement, this



Court finds the same to be lawful, therefore, there is no impediment in decreeing the suit in terms of the settlement agreement.

5. Accordingly, the application is allowed and the suit is decreed in terms of the settlement agreement dated 01.04.2026, which shall form part of the decree. The parties shall remain bound by the terms of the settlement.

6. Let decree be drawn in the above terms.

7. The application and the suit stands disposed of.

8. At this stage, Mr. Manav Gupta, learned counsel appearing on behalf of the plaintiffs submits that since the present suit has been disposed of in light of the settlement, court fee affixed by the plaintiff on the plaint may be refunded.

9. It is noted that the Government of NCT of Delhi has issued a notification published in the Delhi Gazette dated 06.03.2026 vide notification no. F. 14 (105)/LA-2026/ jtsecylaw /359-368 titled **“The Court Fees (Delhi Amendment) Act, 2026”**, whereby Section 16 of the Court Fees Act, 1870 has been substituted and Section 16A has been omitted. The substituted Section 16, as applicable to the National Capital Territory of Delhi, reads as under:

“Section 16 – Refund of Fee:- Where the parties to a suit or appeal, at any stage of such suit or appeal, settle their dispute amicably, with or without the intervention of the Court and with or without invoking any of the modes of settlement of dispute, referred to in section 89 of the Code of Civil Procedure, 1908 (5 of 1908) and the said suit including Counter-claim, if any, or appeal is disposed of as settled/compromised by the court, the plaintiff/Counter-claimant shall be entitled to a certificate from the Court authorizing him to receive back from the collector/competent officer, the full amount of fee, paid in respect of such plaint/counter claim.”



10. As per Gazette notification dated 06.03.2026, the newly substituted Section 16 has come into force w.e.f. 06.03.2026. Reading of newly substituted Section 16 stipulates that where parties to a suit settle their dispute amicably at any stage of the proceedings and the suit is disposed of as settled/compromised by the Court, even without intervention of ADR, the plaintiff shall be entitled to a certificate from the Court authorizing him to receive back from the Collector/competent officer the full amount of court fee paid in respect of the plaint.

11. Having regard to the fact that the parties have arrived at a settlement, and the suit has been disposed of in terms thereof, this Court is of the view that the plaintiff is entitled to refund of full court fees affixed on the plaint.

12. Accordingly, the Registry of this Court is directed to issue a certificate to the plaintiff for refund of full court fees.

13. Pending application, if any, stands disposed of.

14. The date fixed before the learned Joint Registrar on 28.05.2026 stands cancelled.

VIKAS MAHAJAN, J

MAY 4, 2026/jg