



\$~32

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

+ **W.P.(C) 9659/2023, CM APPLs. 36995/2023 & 36997/2023**

ANIL CHOPRA

.....Petitioner

Through: Mr. Rahul Ajatshatru, Mr. Utkarsh Joshi, Ms. Kanishka Sharma, Mr. Aryan Arora, Mr. Navneet Kumar Shukla, Advs.

versus

REGISTRAR GENERAL, HIGH COURT OF DELHI AND ORS

.....Respondents

Through: Ms. Radhika Bishwajit Dubey, Standing Counsel with Ms. Gurleen Kaur Waraich, Mr. Kritarth Upadhyay, Mr. Vivek Sharma, Mr. Amulya Dev Mishra Advocates for R1.
Dr. Abhimanyu Chopra with Mr. Aman Chaudhary, Advocates for R2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

%

21.04.2026

1. The principal relief sought in the petition is for laying down objective parameters for calculation of costs under the Commercial Courts Act, 2015. For the sake of clarity, the prayer clause of the petition is extracted below, for reference:

*“A. Issue a writ, order or direction in the nature of certiorari setting aside the order of the Taxation Officer dated 20.08.2018;
B. Issue a writ, order or direction laying down objective parameters for calculation of ‘reasonable costs’ under the Commercial Courts*



Act, 2015;

C. Issue a writ, order or direction directing the Taxing Officer to recalculate the accepted costs submitted by Skechers in light of the parameters of 'reasonability' decided by this Hon'ble Court;

D. Issue a writ, order or direction in exercise of its supervisory powers under Article 227 and review the impugned Order on its own terms."

2. The petitioner claims to be a partner at 'Pure Play Sports', a partnership firm which was the defendant in C.S (Comm) 573/2016 instituted by the private respondents. The said commercial civil suit was partly decreed in favour of the said respondents *vide* order dated 15.05.2018, and they were held to be entitled to costs of the suit. The concerned Joint Registrar, *vide* order dated 20.08.2018, in pursuance of the said decree, calculated the costs of the suit to be an amount of Rs. 86,98,173.05/- (Rupees Eighty-Six Lakh, Ninety-Eight Thousand, One Hundred and Seventy-Three and Five Paise only).

3. The private respondents have, thereafter, proceeded to institute execution proceedings for recovery of the said costs and the same is pending as of now. The petitioner is aggrieved by the calculation of costs as per order dated 20.08.2018. According to him, costs have been calculated in an arbitrary and unreasonable manner.

4. Learned counsel appearing for the petitioner points out from the orders that the parties are repeatedly facing various difficulties in computation of the costs. He points out that the Court, *vide* order dated 14.09.2023, has issued notice keeping in mind the submissions made by the petitioner that there are various ambiguities with respect to imposition of costs under the Commercial Courts Act, 2015, which are susceptible to misuse by unscrupulous parties to essentially recover large sums under the



guise of costs.

5. Insofar as the prayers for setting aside order dated 20.08.2018 and for recalculation of costs are concerned, the petitioner has agitated the grievance before the Court which passed the order under execution. The Court, in its decision titled ***Skechers U.S.A. INC and Ors. v. Pure Play Sports and Ors.***,² has rejected the application for review of order dated 20.08.2018. The relevant portion of the decision is extracted below, for reference:

“13. For the aforesaid reasons, while this Court does not need to detain itself with the issue of the costs being allegedly exorbitant, suffice would it be to state that the Supreme Court in Salem Advocate Bar Association, T.N.(supra), the judgement cited by the Applicant, has held that award of costs of the suit is in the discretion of the Court albeit the costs have to be actual reasonable costs. It was also held that the cost would include cost of time spent by the successful party, transportation and lodging, if any or any other incidental cost incurred in relation to litigation, besides Court fee, lawyer’s fee, typing etc. An important observation in the said judgment is that judicial notice can be taken of the fact that many unscrupulous parties take advantage of the fact that either costs are not awarded or nominal costs are awarded against unsuccessful parties and such a practice encourages filing of frivolous suits as also taking up frivolous defences. The Taxing Officer has assessed the costs on the basis of the bill of costs submitted by the Plaintiffs which as is evident includes Court fee, Process fee, Senior Advocate’s fee and Advocate’s fee and this Court finds no reason to interfere with the impugned order and that too at the behest of a party who has chosen to sleep over his rights for over 4 years.”

6. However, so far as the prayer for laying down clear parameters for imposition/calculation of costs under the Commercial Courts Act, 2015 is concerned, it would be appropriate if the matter is examined on the administrative side by the appropriate committee constituted by the Hon’ble Chief Justice.

7. Let the petitioner to file a substantive representation through the

² 2023:DHC:1016



Registrar General putting forth his grievance.

8. If such a representation is made, let the same be placed before the concerned committee.
9. Accordingly, the writ petition stands disposed of. Pending applications also stand disposed of.
10. All rights and contentions of the parties are left open.

PURUSHAINdra KUMAR KAURAV, J

APRIL 21, 2026

tr