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

+ CS(COMM) 460/2024, I.A. 30739/2024 I.A. 30740/2024 I.A. 30741/2024 I.A. 30743/2024 & I.A. 32300/2024

YES BANK LIMITEDPlaintiff

Through: Ms. Arushi Mann, Adv.

versus

SHAMLAJI EXPRESSWAY PRIVATE
LIMITED & ORS.

.....Defendants

Through: Mr. Suyash Gupta, Mr. Abhishek Gupta, Mr. Mukesh Kumar, Ms. Meenakshi Sood and Ms. Muskan Katyayan, Advs. for D-1 & 2.
Ms. Rashmi Malhotra and Mr. Arnab Chanda, Advs. for IFCI.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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11.05.2026

I.A. 13031/2026 (by plaintiff under Order XXIII Rule 3 & 3A read with Section 151 CPC)

1. The present application has been filed by the plaintiff seeking withdrawal of the present suit in view of the settlement arrived at between the plaintiff and defendant nos.1 and 2.

2. Ms. Arushi Mann, learned counsel appearing on behalf of the plaintiff submits that during pendency of the present suit, the settlement has been arrived at between the plaintiff and defendant nos.1 and 2, who are the only contesting defendants.



3. She submits that even the no dues certificate has also been issued by the plaintiff in favour of defendant nos.1 and 2.

4. The factum of settlement and issuance of no dues certificate is also affirmed by Mr. Suyash Gupta, learned counsel appearing on behalf of defendant nos.1 and 2. He also states that the other defendants are only *proforma* defendants.

5. Having regard to the settlement arrived at between the parties, there does not appear to be any impediment in allowing the present application. Accordingly, the present application is allowed and the suit is dismissed as withdrawn.

6. At this stage, Ms Mann submits that since the suit is being disposed of in terms of the settlement arrived at between the plaintiff and defendant nos.1 and 2, the Court fees affixed on the plaint may be refunded.

7. 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.”

8. 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.
9. 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.
10. Accordingly, the Registry of this Court is directed to issue a certificate to the plaintiff for refund of full court fees.
11. The pending applications stand disposed of.

MAY 11, 2026
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VIKAS MAHAJAN, J