OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE
NEW DELHI DISTRICT, PATIALA HOUSE COURTS, NEW DELHI

CIRCULAR

In compliance of the directions of the Ld. Principal District & Sessions Judge, New Delhi District, PHC, New Delhi, Order dated 21-09-2026 passed by the Hon'ble Delhi High Court in RFA (Comm) No. 305/2025 titled "M/s Hitech Enterprises Vs M/s Modern Construction Company Delhi" has been uploaded on the official website i.e. newdelhi.dcourts.gov.in.

Therefore, it is requested to kindly peruse the abovesaid **Order dated 21-09-2026** from the official website for kind information & necessary compliance.

(Deepali Sharma)
Officer-in Charge, General Branch
District Judge, Commericial Court -03
New Delhi District, PHC, New Delhi.

No. 3232-3237 /Genl./NDD/PHC/2026 Dated, Delhi the 6.11.2026

Copy to :-

1. The Ld. Registrar General Hon'ble High Court of Delhi, New Delhi for information.
2. All the Ld. Judicial Officers at PHC, New Delhi.
3. Ld. Officer-in Charge, Computer Branch, PHC, New Delhi with the request to direct the concerned official to upload the same on the website of New Delhi District Courts as per rules.
4. P.S to the Ld. Principal District & Sessions Judge, NDD, PHC, New Delhi for information.
5. Administrative Officer (Judicial), PHC, to circulate the aforesaid judgment through WhatsApp. Group of Ld. Judicial Officers of New Delhi District.
6. Dealing Assistant, R & I Branch for uploading the same on LAYERS.

Officer-in Charge, General Branch
District Judge, Commericial Court -03
New Delhi District, PHC, New Delhi.

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

\# **CNR No. DLHC010319612025**

\+ RFA(COMM) 305/2025

M/S HITECH ENTERPRISES .....Appellant

Through: Mr. Parveen Kumar Aggarwal and Mr. Piyush Biswas, Advs.

Versus

M/S MODERN CONSTRUCTION COMPANY DELHI .....Respondent

Through: Mr. Sumit K. Batra, Adv.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE BHARAT PARASHAR

O R D E R

% 21.09.2026

CM APPL. 39580/2026 (for refund of court fee)

1. It has been brought to the notice of this Court that Government of NCT of Delhi has amended Section 16 of Court Fees Act, 1870 (to be read as Act of 1870) by way of Notification dated 06.03.2026, whereby the erstwhile Section 16-A has been repealed and substituted. The newly inserted Section 16 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

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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."

2. On a plain reading of the amended provisions, it is clear that where the parties to a suit or appeal, at any stage of such proceedings, settle their dispute amicably, whether with or without the intervention of the Court, and whether or not by resorting to any of the modes of alternative dispute resolution referred to in Section 89 of the CPC, 1908, the plaintiff or counter-claimant, as the case may be, becomes entitled to a certificate from the Court. Such certificate authorizes the party concerned to receive back the full amount of court fee paid in respect of the plaint or counter-claim, as the case may be.

3. In view of the amended provision, full refund of court fee, paid in respect of a suit, counter-claim or appeal being disposed of as settled or compromised, is a substantive statutory entitlement. Consequently, no separate application or petition ought to be required for such refund once the matter has been disposed of as settled or compromised and the Court has issued a certificate to that effect.

4. In view of the aforesaid, as and when, a matter is settled with or without invoking any modes referred to in Section 89 of CPC, the Court, while disposing of the matter in terms so arrived at, shall direct refund of the court fees. The Court shall also issue a certificate authorizing the parties to receive back full amount of court fees in respect of claim/counter-claim, thereby obviating the necessity of any obligations by parties to seek such refund.

5. The Government of NCT of Delhi (GNCTD) is directed to take

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necessary administrative steps to ensure that the court fee is refunded in a time-bound manner in all such kind of matters upon presentation of the certificate issued by the Court.

6. Ld. Standing Counsel (Civil), GNCTD is requested to ensure that the concerned authorities take necessary administrative steps in all such kind of cases, thereby avoiding unnecessary litigations in the Courts.

7. Let a copy of this order be sent to the Ld. Registrar General of the High Court of Delhi with a request for circulation to all the Principal District and Sessions Judges.

ANIL KSHETARPAL, J.

BHARAT PARASHAR, J.

SEPTEMBER 21, 2026/JYH/hr

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