IN THE HIGH COURT OF DELHI AT NEW DELHI

No. 6260 - 6272 /DHC/Gaz.IB/G-2/HC-Judgment/2026 Dated: 29.10.2026

From :

The Registrar General,
High Court of Delhi,
New Delhi.

To

1. The Principal District & Sessions Judge (HQ), Tis Hazari Courts Complex, Delhi.
2. The Principal District & Sessions Judge (East), Karkardooma Courts Complex, Delh
3. The Principal District & Sessions Judge (North-West), Rohini Courts Complex, Delhi.
4. The Principal District & Sessions Judge (West), Tis Hazari Courts Complex, Delhi.
5. The Principal District & Sessions Judge (North-East), Karkardooma Courts Complex, Delhi.
6. The Principal District & Sessions Judge (South-West), Dwarka Courts Complex, New Delhi.
7. The Principal District & Sessions Judge (South), Saket Courts Complex, New Delhi
8. The Principal District & Sessions Judge (New Delhi), Patiala House Courts Complex, New Delhi.
9. The Principal District & Sessions Judge (North), Rohini Courts Complex, Delhi.
10. The Principal District & Sessions Judge-cum-Special Judge (PC Act) (CBI), RACC, New Delhi.
11. The Principal District & Sessions Judge (Shahdara), Karkardooma Courts Complex, Delhi.
12. The Principal District & Sessions Judge (South-East), Saket Courts complex, Delhi.
13. The Principal Judge (HQ), Family Courts, Dwarka, New Delhi.

Sub : Order dated 21.09.2026 passed by Hon'ble Delhi High Court in RFA (Comm) No. 305/2025 titled "M/s Hitech Enterprises vs. M/s Modern Construction Company Delhi".

Sir/ Madam,

I am directed to request you to kindly download the order dated 21.09.2026 passed by Hon'ble Delhi High Court in RFA (Comm) No. 305/2025 titled "M/s Hitech Enterprises vs. M/s Modern Construction Company Delhi" from the official website of Delhi High Court and circulate the same amongst all the Judicial Officers working under your respective control for information and necessary compliance.

Yours faithfully,

29/10/26

(Sunil Singh Negi)
Deputy Registrar (Gazette-IB)
For Registrar General.

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE: ROHINI COURTS, DELHI

No. 50340 - 50435 **.Genl.I/3-A/N-W & N/RC/2026** **Dated** 03/11/2026

Copy alongwith its enclosures **(through electronic mode)**, forwarded for information & necessary action, to :-

1. All Ld. Judicial Officers posted at **N/W & North**, Rohini Courts, Delhi.
2. Dealing Official, Computer Branch, Rohini Courts for uploading the same on WEBSITE.
3. The Dealing Official, R & I Branch, Rohini Courts, Delhi for uploading the same on LAYERS.

(RAJANI RANGA)
Officer In-Charge, General Branch-I
North-West & North District,
Rohini Court Complex, 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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