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

+ **CS(COMM) 802/2023**

RAGHAV LIFESTYLE PRODUCTS UNIT IIPlaintiff

Through: Mr. Sachin Gupta, Ms. Prashansa, Ms.
Mahima, Mr. Rajat Jain and Mr. Rohit
Pradhan, Advocates.

versus

**SUZAN MICHAEL PANY PROPRIETOR M / S SUHAAN
ENTERPRISE**Defendant

Through: None.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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27.04.2026

I.A. 11630/2026 (Seeking refund of Court Fees)

1. This is an application filed on behalf of the plaintiff under Section 16 of the Court fees (Delhi Amendment) Act, 2026 (hereinafter referred to as "hereinafter referred to as the "Act") read with Section 151 Code of Civil Procedure, 1908 (hereinafter referred to as "CPC") seeking refund of 100% Court Fees.

2. Mr. Gupta, learned counsel appearing on behalf of plaintiff states that *vide* the order dated 23.09.2025 the suit was decreed and the refund of the Court fees was directed to the extent of 50% in terms of Section 16A of the Court Fees Act, 1870 (hereinafter referred to as "*Court Fees Act*"). He states that, however, the issue in respect of refund of Court fees was kept pending awaiting the outcome of the reference which was pending before the learned Division Bench in the case *V-Guard Industries Ltd. vs. Mahavir Home Appliances & Anr.; CS(COMM) 98/2023*.



3. He states that though the consideration of the learned Division Bench in *V-Guard (supra)* is still pending, in the interregnum, the Government of NCT of Delhi, *vide* notification dated 06.03.2026 enacted the Court Fees, (Delhi Amendment) Act, 2026 amending the provisions of Court Fees Act, 1870. He states that by virtue of amended Section 16, the parties are entitled to 100% refund of Court Fees.

4. He states that in that context, the present application has been filed seeking refund of re-payment of complete Court Fees.

5. This Court has heard Mr. Gupta, learned counsel for plaintiff. Though the reference before the learned Division Bench in *V-Guard (supra)* is stated to be still pending, however, the notification dated 06.03.2026, amending the provision of the Court Fees Act, 1870 has already been notified and appears to be applicable as of date. It would be apposite to reproduce the amended provisions. The same is being reproduced hereunder:

“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/Counterclaimant 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.”

6. By virtue of the notification dated 06.07.2026 not only has the legislature has amended Section 16 of the Act, enabling the parties, whether in a suit or in an appeal, or at any stage, to settle the dispute amicably with or without the intervention of Court, and without invoking Section 89 of the CPC and on such settlement/compromise, by any of the modes prescribed, the plaintiff or the counter claimant, as the case may be, shall be entitled to the full amount of refund.

7. Simultaneously, the legislature in its wisdom thought it fit to omit



Section 16A of the Court Fees Act from the Statutes book *vide* the same notification.

8. In the present case, by virtue of the order dated 23.09.2025, this Court, while decreeing the suit, directed the refund of 50% Court Fees in terms of Section 16A of the Court Fees Act. Had the said direction been completed by the plaintiff complying with the directions, perhaps, the present application would have been incompetent. However, the plaintiff did not comply with the said directions, and the issue regarding the court fees was kept pending, awaiting the judgement of *V-Guard (supra)*.

9. It is trite that an amendment in a legislation, particularly of a beneficial nature, shall be applicable even to those cases where the issue is still pending and has not been finally disposed of. (See: *Zile Singh vs. State of Haryana* reported in *(2004) 8 SCC 1*).

10. Having regard to the fact that the issue regarding the quantum of court fees to be refunded was being agitated and kept alive by the plaintiff, surely, an amendment in this regard granting a higher benefit, which the plaintiff would otherwise have been entitled to, can and must be read in favour of the plaintiff. After all, the measure undertaken by the legislature appears to be an attempt to incentivise and promote settlement and amicable resolution of disputes as envisaged under section 89 of the CPC. Moreover, in case of a laudatory and beneficial piece of legislation, the benefits arising therefrom ought not to be rendered restrictive.

11. In that view of the matter, this Court is of the considered opinion that the provisions of Section 16 of the Act shall be applicable to the plaintiff, notwithstanding the pendency of the reference in *V-Guard (supra)* before the Division Bench.

12. Accordingly, the plaintiff shall be entitled to a refund of full amount of the court fees in the present suit as per Section 16 of the Act in accordance with



the rules.

13. Accordingly, the application stands disposed of.

TUSHAR RAO GEDELA, J

APRIL 27, 2026/da