

Bill No - 08

THE COURT FEES (DELHI AMENDMENT) BILL, 2012
. A
BILL
to amend the Court Fees Act, 1870 in its application to
the National Capital Territory of Delhi.

BE it enacted by the Legislative Assembly of the National Capital Territory of
Delhi in the Sixty-third Year of the Republic of India as follows:-

1. **Short title, extent and commencement.** - (1) This Act may be called the
Court Fees (Delhi Amendment) Act, 2012.

(2) It extends to the whole of the National Capital Territory of Delhi.

(3) It shall come into force on such date as the Government may, by
notification in the official Gazette, appoint.

2. **Amendment of section 26.**- In the Court Fees Act, 1870 as in force in the
National Capital Territory of Delhi (hereinafter referred to as "the principal
Act"), section 26 shall be re-numbered as sub-section (1) thereof, and after
sub-section (1) as so re-numbered, the following sub-section shall be
inserted, namely:-

"(2) For the purposes of sub-section (1), and section 25, "stamp" means
any mark, seal or endorsement by any agency or person duly authorized
by the Appropriate Government, and includes an adhesive or impressed
stamp, for the purposes of court fee chargeable under this Act.

Explanation.-"impressed stamp" includes impression by a franking
machine or any other machine, or a unique number generated by e-
stamping or similar software, as the Appropriate Government may, by
notification in the official Gazette, specify."

3. Substitution of new Schedules for the Schedule I and the Schedule II - In
the principal Act, for the Schedule I and the Schedule II, the following
Schedules shall respectively be substituted, namely:-

~ SCHEDULE I
(AS APPLICABLE TO THE NATIONAL CAPITAL TERRITORY OF DELHI)
AD VALOREM FEES

Number			Proper fee
1.	Plaint, written statement, pleading, a set off or counterclaim or memorandum of appeal (not otherwise provided for under any of these Schedules of the Court Fees Act, 1870 (7 of 1870) or of cross objection presented to any Civil or Revenue Court except those mentioned in section 8.	When the amount or value of subject matter in dispute is - i) upto fifty thousand rupees; ii) fifty thousand one rupees upto twenty lakh rupees; iii) above twenty lakh rupees;	Two percentum on such amount or value or one thousand rupees whichever is more; Three percentum on such amount or value; Four percentum on such amount or value.
2.	Plaint in suit for possession under section 6 of the Specific Relief Act, 1963 (47 of 1963).		A fee of one-half the amount prescribed in the foregoing scale (vide Article 1).
3.	Complaint under section 138 of the Negotiable Instrument Act, 1881 (26 of 1881).		Same as prescribed in the foregoing scale (vide Article 1) calculated in terms with value of the instrument.
4.	Suit for partition of immoveable joint property	Filed before Civil Court including High Court at its original side, (as per pecuniary jurisdiction).	Ad-velorem as per Article 1 of this Schedule calculated in accordance with market value of the property subject to minimum court fee of one thousand rupees.
5.	Application for review of judgment, if presented on or after the ninetieth day from the date of the decree.		The fee leviable on the plaint or memorandum of appeal.
6.	Application for review of judgment, if presented before the ninetieth day from the date of the decree.		One-half of the fee leviable on the plaint or memorandum of appeal.
7.	Copy of translation of judgment or order not being, or having the force of a decree.	When such judgment or order is passed by any Civil Court other than a High Court, or by the Presiding Officer of any Revenue Court or Officer of any Revenue Court or Office or by any other Judicial Executive Authority.	Ten rupees per page.

- When such judgment or order is passed by a High Court. Twenty rupees per page.
8. Copy of decree or order having the force of a decree. When such decree or order is made by any Civil Court other than a High Court, or by any Revenue Court. Ten rupees per page.
- When such decree or order is made by a High Court. Twenty rupees per page.
9. Copy of any documents liable to stamp duty under the Indian Stamp Act, 1899, when left by any party to a suit or proceeding in place of the original withdrawn, provided such copy is not subject to any duty under the Indian Stamp Act, 1899. (a) When the stamp duty chargeable on the original does not exceed one rupees. One rupees.
- (b) In any other case. Ten rupees.
10. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report or the like, taken out of any Civil or Criminal or Revenue Court of Office or from the office of any chief officer charged with the executive administration of a division. For every three hundred and sixty words or fraction of three hundred and sixty words. Ten rupees.
11. Probate of a Will or Letters of Administration with or without Will annexed. When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one lakh rupees, but does not exceed ten lakh rupees. Two and one-half per centum on such amount or value.
- When such amount or value exceeds ten lakh rupees, but does not exceed fifty lakh rupees. Three and one quarter per centum on such amount or value.
- When such amount or value exceeds fifty lakh rupees. Four per centum on such amount or value.
- Provided that when after the grant of a certificate under Part-X of the Indian Succession Act, 1925 (39 of 1925) or under the Regulation of the Bombay Code No.8 of 1827 in respect of any

property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.

12. Certificate under Part-X of the Indian Succession Act, 1925 (39 of 1925)

Two and one-half per centum on the amount or value of any debt or security specified in the certificate under section 374 of the Act, and four per centum on the amount or value of any debt or security to which the certificate is extended under section 376 of the Act.

Note:— (1) The amount of a debt is its amount, including interest on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.

(2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act and where such a power has been so conferred, whether the power is for the receiving of interest or dividends on or for the negotiation or transfer of, the security or for both purposes, the value of the security is its market-value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained.

13. Application to the High Court of Delhi for the exercise of its jurisdiction under section 44 of the Punjab Courts Act, 1918 as extended to the National Capital Territory of Delhi or to the Court of the Lt. Governor of Delhi for the exercise of its revisional jurisdiction under section 84 of the Punjab Tenancy Act, 1887 (16 of 1887).

When the amount or value of the subject-matter in dispute does not exceed fifty thousand rupees.

One hundred rupees.

When such amount or value exceeds fifty thousand rupees.

The fee leviable on a memorandum of appeal. "

" SCHEDULE II
(AS APPLICABLE TO THE NATIONAL CAPITAL TERRITORY OF DELHI)

FIXED FEES

Number	Proper fee
1. Application or petition	<p>(a) When presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings;</p> <p style="text-align: center;">Or</p> <p>when presented to any officer of land revenue by any person holding temporarily settled land under direct engagement with Government and when the subject-matter of the application or petition relates exclusively to such engagement;</p> <p style="text-align: center;">Or</p> <p>when presented to any Municipal Commissioner under any Act, for the time being in force, for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement;</p> <p style="text-align: center;">Or</p> <p>when presented to any Civil Court other than a principal Civil Court of original jurisdiction or to any Court of Small Causes constituted under Act No.11 of 1865 or under Act No.16 of 1868, section 20, or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees;</p> <p style="text-align: center;">Or</p> <p>when presented to any Civil, Criminal or Revenue Court, or to any Board or Executive Officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or Officer, or of any other document on record in such Court or Office.</p> <p style="text-align: right;">Ten rupees.</p>

(b) When containing a complaint or charge of any offence other than an offence for which police officers may, under the Code of Criminal Procedure 1973 (2 of 1974), arrest without warrant, and presented to any Criminal Court:

Or

When presented to a Civil Criminal or Revenue Court or to a Collector or any Revenue Officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity, and not otherwise provided for by this Act:

Or

to deposit in Court revenue or rent: Ten rupees.

Or

for determination by a Court of the amount of compensation to be paid by land-lord to his tenant.

(c) When presented to a Chief Commissioner or other Chief Controller, Revenue or Executive Authority, or to a Commissioner of Revenue or Circuit, or to any Chief Officer charged with the executive administration of a Division and not otherwise provided for by this Act. Ten rupees.

(d) when presented to the High Court -

(i) under article 226 of the Constitution of India other than petition for habeas corpus and petitions arising out of criminal proceedings: One hundred rupees.

(ii) Letters Patent Appeal under the Letter Patent charter: One hundred rupees.

(iii) under article 227 of the Constitution of India: One hundred rupees.

(iv) in all other cases not specifically provided. Two hundred fifty rupees.

2. Application to any Civil Court that records may be called for from another Court. When the Court grants the application and is of opinion that the transmission of such records involves the use of the post. Ten percentum in addition to the fee levied on the application under clause (a), clause (b) or clause (d) of Article-1 of this Schedule.

3. Complaint or memorandum of appeal in a suit to establish or disprove a right of occupancy. One hundred twenty five rupees.
4. Undertaking under section 49 of the Divorce Act, 1869 (4 of 1869). One hundred twenty five rupees.
5. Memorandum of appeal when the appeal is not from a decree or an order having the force of decree, and is presented. (a) to any Civil Court other than a High Court or to any Revenue Court or Executive Officer other than the High Court or Chief Controlling Revenue or Executive Authority. Ten rupees.
(b) to the High Court or Chief Commissioner, or other Chief Controlling Executive or Revenue Authority. Twenty rupees.
6. Every petition or application or memorandum of appeal under the Special Marriage Act, 1954 (43 of 1954), or the Hindu Marriage Act, 1955 (25 of 1955) or the Dissolution of Muslim Marriage Act, 1939 (8 of 1939). One hundred fifty rupees..
7. Complaint or memorandum of appeal in each of the following suits :-
- (i) To alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court: Two hundred rupees.
- (ii) to alter or cancel any entry in a register of the names of proprietors of revenue paying estates: Two hundred rupees.
- (iii) to obtain a declaratory decree where no consequential relief is prayed: Two hundred rupees.
- (iv) to set aside an adoption: One hundred fifty rupees.

(v) every other suit where it is not possible to estimate at a money-value the subject-matter in dispute, and which is not otherwise provided for by any of the schedules of the Court Fees Act, 1870 (7 of 1870).

One hundred fifty rupees.

8.(a) Application under the Arbitration, and Conciliation Act, 1996 (26 of 1996)

(i) for appointment of Arbitrator under section 11; When made before -
i) a Civil Judge;
ii) a District Judge;
iii) the High Court;

Two hundred fifty rupees.

Five hundred rupees.

One thousand rupees.

(ii) for court assistance in taking evidence under section 27; when made before -
i) a Civil Judge;
ii) a District Judge;
iii) the High Court;

Two hundred fifty rupees.

Five hundred rupees.

One thousand rupees.

(iii) for seeking enforcement of an award under section 36; when made before -
i) a Civil Judge;
ii) a District Judge;
iii) the High Court;

One thousand rupees or one percentum of the amount awarded in the Award, whichever is more.

(iv) for setting aside the arbitral award under section 34; When made before -
i) a Civil Judge;
ii) a District Judge;
iii) the High Court;

One thousand rupees or one percentum of the amount awarded, whichever is more.

8.(b) Memorandum of appeal under section 37;

One thousand rupees or one percentum of the amount awarded, whichever is more.

9. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908 (5 of 1908)

One hundred fifty Rupees.

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| 10. | Every petition under the Divorce Act, 1869 (4 of 1869) except petitions under section 44 of the same Act, and every memorandum of appeal under section 55 of the same Act. | One hundred fifty rupees. |
| 11. | Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1936 (3 of 1936). | One hundred fifty rupees. |
| 12. | Plaint or memorandum of appeal in a suit by a reversioner under any customary law in force in the National Capital Territory of Delhi for declaration in respect of an alienation of an ancestral land. | One hundred fifty rupees. |
| 13. | Application or memorandum of appeal for relief under the Delhi Rent Control Act, 1958 (59 of 1958). | One hundred fifty rupees. |
| 14. | Claims for money (whether secured or unsecured) or a claim to set off made against such claims or counter-claims under the Banking Companies Act, 1949 (10 of 1949). | <p>(a) Where the amount does not exceed two thousand five hundred rupees. One hundred fifty rupees.</p> <p>(b) where the amount exceeds two thousand five hundred rupees but does not exceed ten thousand rupees. Two hundred fifty rupees.</p> <p>(c) where the amount exceeds ten thousand rupees. Five hundred rupees.</p> |
| 15. | Memorandum of appeal from an order or decision passed under the provision of section 45B of the Banking Companies Act, 1949 (10 of 1949). | <p>(a) Where the amount exceeds five thousand rupees but does not exceed ten thousand rupees. One thousand rupees.</p> <p>(b) where the amount exceeds ten thousand rupees. One thousand five hundred rupees.</p> |
| 16. | Execution petition seeking enforcement of any judgment, order or decree passed by any court. | <p>(a) When filed before a Civil Judge: Two hundred fifty rupees.</p> <p>(b) when filed before a District Judge: Five hundred rupees.</p> <p>(c) when filed before the High Court: One thousand rupees.</p> |

17. Transfer petition under section 24 of the Code of Civil Procedure, 1908; or under sections 402 to 411 of the Code of Criminal Procedure, 1973 (2 of 1974)
- (a) When filed before Session Judge/District Judge. Five hundred rupees.
- (b) When filed before High Court. One thousand rupees.
- (c) When filed before Chief Metropolitan Magistrate. Two hundred fifty rupees.
18. Election petition under the Representation of People Act, 1951 (43 of 1951). Five thousand rupees.
19. Petition under section 482 of the Code of Criminal Procedure, 1973 (2 of 1974) before the High Court. Two hundred and fifty rupees.
20. Criminal revision petition under section 397 of the Code of Criminal Procedure, 1973 (2 of 1974).
- when filed before the High Court. One hundred rupees.
- when filed before a Sessions Judge. Fifty rupees.
21. Criminal Revision Petition under section 401 of the Code of Criminal Procedure, 1973 (2 of 1974), before the High Court. One hundred rupees.
22. Bail application under section 437 or section 438 of the Code of Criminal Procedure, 1973 (2 of 1974).
- When filed before the High Court. Two hundred fifty rupees.
- when filed before a Sessions Judge. One hundred rupees.
- when filed before a Metropolitan Magistrate. Fifty rupees.
23. First Appeal against order under section 104 read with Order 43 of the Code of Civil Procedure, 1908 (5 of 1908).
- When filed before the High Court. Two hundred and fifty rupees.
- when filed before any other court exercising appellate jurisdiction. One hundred and fifty rupees.
24. Under the Companies Act, 1956 (1 of 1956) -
- (i) Any proceeding relating to winding up of a company under chapter II of part VII of the said Act. Two thousand and five hundred rupees.

	(ii) For any proceeding seeking sanction of the court to the scheme of any compromise, arrangement, reconstruction or amalgamation etc. under chapter V of part VI of the said Act.		Two thousand and five hundred rupees.
	(iii) Any proceeding to prevent oppression and/or mismanagement or any other judicial action under chapter VI of part VI of the said Act.		Two thousand and five hundred rupees.
	(iv) Any other petition under the said Act for taking any judicial action.		Two hundred and fifty rupees.
	(v) Any appeal under the Companies Act, 1956 (1 of 1956).		Five hundred rupees.
25.	Caveat application	When filed before a Civil Judge.	One hundred rupees.
		when filed before a District Judge.	Two hundred fifty rupees.
		when filed before the High Court.	Five hundred rupees.
26.	Contempt petition under the Contempt of Court Act, 1971 (70 of 1971).		One hundred rupees.
27.	Appeal under the Contempt of Court Act, 1971 (70 of 1971)		One hundred rupees.
28.	Claim petition under the Motor Vehicles Act, 1988 (59 of 1988).	Filed before a Motor Accidents Claims Tribunal.	One hundred rupees.
29.	Appeal under the Motor Vehicles Act, 1988 (59 of 1988) against the award passed by a Motor Accidents Claims Tribunal.		Two hundred and fifty rupees.
30.	Any suit or petition under the Intellectual Property Rights.	When filed before a Civil Judge.	Five hundred rupees.

		when filed before a District Judge.	One thousand rupees.
		when filed before the High Court.	Five thousand rupees.
31.	Appeal relating to and under the Income Tax Act, 1961 (43 of 1961) or the Wealth Tax Act, 1957 (27 of 1957).		Five thousand rupees.
32.	Any suit under the Partnership Act, 1932 (9 of 1932) for rendition of accounts and/or partition or for any relief under the Limited Liability Partnership Act, 2008.	When filed before a Civil Judge.	One hundred or one percentum of the valuation of the suit, whichever is more;
		when filed before a District Judge.	Two hundred fifty or one percentum of the valuation of the suit whichever is more;
		when filed before the High Court.	Five hundred or one percentum of the valuation of the suit whichever is more.
33.	Revision petition under section 115 of the Code of Civil Procedure, 1908 (5 of 1908), filed before the High Court.		Five hundred rupees.
34.	Revision petition filed under the Delhi Rent Control Act, 1958 (59 of 1958) against the order of the Rent Controller or Rent Control Tribunal, filed before the High Court.		Five hundred rupees.
35.	Any other suit or petition not covered hereinabove	When filed before a Civil Judge.	One hundred rupees.
		when filed before a District Judge.	Two hundred and fifty rupees.
		when filed before the High Court.	Five hundred rupees.

STATEMENT OF OBJECTS AND REASONS

There is no revision of court fees applicable in the NCT of Delhi since 1958 while all kinds of duties and fees have been revised. The Computer Committee of the Hon'ble Delhi High Court has asked the Government of NCT of Delhi to start e-court fee in the Delhi High Court. Further, certain denominations viz. 40 paise, 25 paise, 50 paise, etc. are no more in use. Thus, revision of court fee has become necessary.

The Bill seeks to achieve the above objectives.

New Delhi,
Dated:

(Dr. Ashok Kumar Walia)
Revenue Minister

FINANCIAL MEMORANDUM

At present, the annual revenue generated on account of court fees is about Rs. 40-50 crores. The revision is likely to increase it about 10 times to Rs. 500 crores.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The revision of court fees in the jurisdiction of National Capital Territory of Delhi does not seek to confer powers of Legislation on any subordinate functionaries.