

DELHI COURT FEE AMENDMENT ACT 2012

(TO BE PUBLISHED IN PART IV OF THE DELHI GAZETTE EXTRAORDINARY) GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI REVENUE DEPARTMENT 5-SHAM NATH MARG, DELHI-110054 No F 1 (21)/Regn.Br/DivCom/2010/ NOTIFICATION Dated: No F. 1 (21)/Regn.Br./DivCom/2010/ In exercise of the powers conferred by sub-section (3) of section 1 of the Court Fee (Delhi Amendment) Act, 2012 (Delhi Act 11 of 2012), the Lieutenant Governor of the National Capital Territory of Delhi, hereby, appoints the 1st August, 2012, as the date on which said Act shall come into force. By order and in the name of the Lt. Governor of the National Capital Territory of Delhi (NILA MOHANAN) SPL. INSPECTOR GENERAL OF REVENUE No F1 (21)/Regn.Br./DivCom/2010/ Copy forwarded for information to:- Dated

1. The Secretary (Home), Ministry of Home Affairs, Govt. of India, North Block, New Delhi-110001

2. The Chief Secretary, Govt. of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi-110002

3. The Principal Secretary, GAD, Govt. of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi-110002 with one spare copy for its publication in Delhi Gazette-Part-IV (extraordinary) in today's date

4. The Principal Secretary Finance, Govt. of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi-110002. 4 ? age 004 13:21 5 7. 8. g. The Principal secretary to the Hon'ble Lieutenant Governor, Delhi. The Principal Secretary to the Chief Minister, Government of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi-110002. The Secretary to Law Minister, Govt. of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi-110002. The Secretary to Minister of Finance, Govt. of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi-110002. The Secretary to the Minister of Revenue, Govt. of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi-110002

10. The PA. to the Leader of Opposition, 29, Delhi Legislative Assembly, Old Secretariat, Delhi. 11. The Additional Secretary (Law), Govt. of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi-110002. 12. Guard File (NILA MOHANAN) SPL INSPECTOR GENERAL OF REVENUE-I (TO BE PUBLISHED IN PART-IV OF THE DELHI GAZETTE-EXTRAORDINARY) GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI (DEPARTMENT OF LAW, JUSTICE LEGISLATIVE AFFAIRS) 8TH LEVEL, CAVING, DELHI SECRETARIAT, NEW DELHI dated 1st July, 2012 NOTIFICATION The following Act of the Legislative Assembly of the National Capital Territory of Delhi received the assent of the President of India on July, 2012 and is hereby published for general information: "THE COURT-FEES (DELHI AMENDMENT) ACT, 2012 (DELHI ACT 11 OF 2012) (As passed by the Legislative Assembly of the National Capital Territory of Delhi on the 4th June, 2012) (4th July, 2012) An Act further 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) This Act may be called the

2. Short title, extent and commencement. 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 or section 26.- in the Court Fees Act, 1870 as in force in the National Capital Territory or Delhi (hereinafter referred to as "the principal Act"), section 2b shall be re-numbered as sub-section (1) thereof, and after sub-section (i) as 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 electronic stamping or similar software, as the Appropriate Government may, by notification in the official Gazette, specify.' 3. Schedules for the Schedule I and the Schedule 11 — In the principal Act, for the Schedule and the Schedule 11, the following Schedules shall respectively be substituted, SCHEDULE : (AS APPLICABLE TO THE NATIONAL CAPITAL TERRITORY OF DELHI) 2. S

6. Number of 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 cross

objection presented to any Civil or Revenue Court except those mentioned in section 8. Plaintiff in suit for possession • under section 6 or the Specific Relief Act, 1963 (47 of 1963). Complaint under section J of the Negotiable Instruments Act, 1881 (26 of 1881). Soil partition or undivided joint property Application for review or AD VALOREM FEES Proper fee 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: Filed before Civil Court including High Court at its original side, (as per pecuniary jurisdiction). Judgment, if presented, on or after the ninetieth day from the date of the decree. Application for review or judgment, if presented before the ninetieth day from the date of the decree. Copy of translation or judgment or order not being, or having the force of a decree on such amount or value of one thousand rupees whichever is more: Three per centum on such amount or value: Four per centum on such amount or value: A fee one-half the amount prescribed in the foregoing scale (vide Article J) calculated in terms with value of the instrument. Ad-valorem; as per Article of this Schedule calculated in accordance with market value of the property subject to minimum court fee of one thousand rupees. The fee leviable on the plaint or memorandum of appeal. One-half of the fee leviable on the plaint or memorandum of appeal. When such judgment or order is passed by any Civil Court other than a High Court. or by the Ten rupees per page. Presiding Officer of any Revenue Court or Officer of any Revenue Court or Office or by any other Judicial Executive Authority. Copy of decree or having the force of a decree. order 9. IO. Copy of any liable to stamp duty under the Indian Stamp Act, 1899. when filed 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. Copy of any judgment or judicial proceeding or otherwise order not provided for by this Act. or copy or any account, statement, report of the like, taken out of any Civil or Criminal or Revenue Court of Office or from the office of any chief of office charged with executive or administrative division Probate of Will Letters Administration with or without Will annexed. or of When such order is passed by High Court. When such decree or order is by any Civil Court other than a High Court: or by any Revenue Court. When such decree or order is made by High Court. stamp duty When the (a) chargeable on the original does not exceed one rupee. (b) in any other case. For every three hundred and sixty words or fraction or three hundred and sixty words. 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. When such amount or value exceeds ten lakh rupees, but does not exceed fifty lakh rupees. When such amount or value exceeds fifty lakh rupees. 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. 1327 in respect of any Twenty rupees per page. Ten rupees per page. Twenty rupees per page. One rupee. Ten rupees. Ten rupees. Two and one-half per centum on such amount or value. Three and one quarter per centum on such amount or value. or values Certificate under Part-X Of the Indian Succession Act, 1925 (39 of 1925) Application to the High Court of Delhi for the exercise of 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 revisional jurisdiction under section 84 of the Punjab Tenancy Act, 1887 (16 of 1887). property included in an estate. a grant of probate or letters of administration is made in respect of same estate. fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant. When the amount or value of the subject-matter in dispute does not exceed fifty thousand rupees. When such amount or value exceeds fifty thousand rupees. Two and one-half per centum on the amount or value of any debt 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 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 certificate has been under the Act and where such 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. value of the security is its market value on the day on which the inclusion of security in the certificate is applied for. so as such value can be ascertained. One hundred rupees. The fee leviable on a memorandum of appeal. SCHEDULE 11 AS APPLICABLE TO THE NATIONAL CAPITAL TERRITORY OF INDIA Application or petition FIXED FEES (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: Or when presented to any officer of the revenue by any person holding any interest in any settled land under direct engagement with the Government and when the subject-matter of the application relates exclusively to such engagement: or when presented to any Municipal Commissioner under any Act, at 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: or 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. 1 of 1865 or under Act No. 16 of 1906, section 20, or to a Collector or other officer of revenue in relation to any suit or case in which the amount of value or the subject-matter is less than fifty rupees: or presented to any Civil, Criminal or Revenue Court, or to any Board or, Executive Officer for the purpose of obtaining 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. Proper fee for Application to any Court, that records be called for another Court Civil - may from (b) When containing a complaint or charge of any offence other than an offence 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; 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, when presented to the High (d) Court under article 226 of the Constitution of India other than petition for habeas corpus and petitions arising out of criminal proceedings: (i) Letters Patent Appeal under the Letters Patent Charter. (iii) under article 227 of the Constitution of India; (iv) in all, other cases not specifically provided. When the Court grants the application and is of opinion that the transmission of such records involves the use of the post. Ten rupees. Ten rupees: One hundred rupees: One hundred rupees. One hundred rupees. Two hundred fifty rupees. Ten percentum in addition to the fee levied on the application under clause (a). clause (b) clause (d) of Article-I of this Schedule. 5. C

7. Complaint or memorandum or appeal in a suit to establish or disprove a right or occupancy. Undertaking under section 49 of the Divorce Act. (1 of 1869). Memorandum of appeal when the appeal is not from a decree or an order having the force of decree, and is presented. Every petition application or memorandum of appeal the Special under Marriage Act, 1954 (43 of 1954). or the Hindu Marriage Act, 1955 (25 of 1955) the Dissolution of Muslim Marriage Act, 1939 (S of 1939). 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 (ii) to alter or cancel any entry in a register of the names or proprietors of revenue paying estates: (iii) obtain a declaratory decree where no consequential is prayed: (iv) to set aside an adoption; (v) In any Civil Court, other than the High Court or in any Revenue Court or Executive Officer other than the High Court or Chief Controlling Revenue or Executive Authority. (b) to the High Court or Chief Commissioner, or other Chief Controlling Executive or Revenue Authority. One hundred twenty five rupees. One hundred twenty five rupees. Ten rupees. Twenty rupees. One hundred fifty rupees.. Two hundred rupees. Two hundred rupees. Two hundred rupees. One hundred fifty rupees. 9.01) 9, 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). The Application under Arbitration and Conciliation Act, 1996 (26 of 1996) (i) for appointment of Arbitrator under section (ii) for COUC assistance in taking evidence under section 27: (iii) for seeking enforcement of an award under section 36: (iv) for setting aside the arbitral award under section 34: Memorandum of appeal under section 37; writing Agreement in stating a question for the opinion of the Court Under the Code of Civil Procedure, 1908 (S of 1903) When made before i) a Civil Judge; ii) or iii) the High Court: when made before - i) a Civil Judge; ii) a District Judge; iii) the High Court. When made before - i) a Civil Judge; ii) a District Judge: iii) the High Court: One hundred rupees. Two

hundred fifty rupees. Five hundred rupees. One thousand rupees. Two hundred fifty rupees. Five hundred rupees. One thousand rupees. One thousand rupees or one percentum of the amount awarded in the award, whichever is more. One thousand rupees or one percentum of the amount awarded, whichever is more. One thousand rupees or one percentum of the amount awarded, whichever is more. Or, five hundred fifty rupees.

10. Every petition under the Divorce Act, 1936 (4 of 1936) except petition under section 44 of the Act, or every appeal under section 55 of the said Act. Petition or memorandum of appeal under the Parsi Marriage and Divorce Act, 1936 (3 of 1936). Petition or memorandum of appeal in a suit by a party under any law in force in the National Capital Territory of Delhi for declaration in respect of an alienation of an ancestral land. Application or memorandum of appeal under the Delhi Rent Control Act, 1958 (59 of 1958). Claim for money secured or (whether unsecured) or a claim to set off against such counter-claim, under the Banking Companies Act, 1949 (IC of 1949). Memorandum of appeal from an order of decision passed under the provision of section 45B Banking Companies Act, 1949. Petition for enforcement of any judgment, order or decree passed by any Court. (u) Where the amount does not exceed two thousand five hundred rupees. where the amount exceeds two thousand five hundred rupees but does not exceed ten thousand rupees. (c) where amount exceeds ten thousand rupees. (a) Where the amount exceeds five thousand rupees but does not exceed ten thousand rupees. (b) where the amount exceeds ten thousand rupees, (a) When Filed before Civil Judge: filed before a District Judge; when filed before the High Court: One hundred and fifty rupees. One hundred fifty rupees. One hundred fifty rupees. One hundred fifty rupees. One hundred fifty rupees. Two hundred fifty rupees. Five hundred rupees. One thousand rupees. One thousand five hundred rupees. Two hundred fifty rupees. Five hundred rupees. One thousand rupees. , Transact petition under 24 of the Code of Civil Procedure, 1908; under sections 402 to of the Code of Civil Procedure. 1973 (2 of 1974) Election petition under Representation of the People Act, 1950 (43 of 1950) under section 482 of the Code of Civil Procedure. Criminal 1973 (2 of 1974) before the High Court. (b) (c) When filed before Session Judge (District Judge) When filed before High Court. When filed before Chief Metropolitan Magistrate. 19. 21 Criminal revision petition under section 397 of the Code of Criminal Procedure, 1973 (2 of 1974). Revision Criminal Petition under section of the Code of Procedure, 1973 (2 of 1974). before the Court. Bail application under section 437 or section 438 of the Code of Procedure. Criminal 1973 (2 of 1974)." against First Appeal order under section 1 of the Order 43 of the Code of Civil Procedure. 1908 (f of 1908), under Companies Act, (1 of 1956)- (i) Any proceeding relating to winding up of a company under chapter of part VII of the said Act. when filed the High Court. when filed before Sessions Judge. When filed before the High Court. when filed before a Sessions Judge. when filed before Metropolitan Magistrate. When filed before the High Court. , when filed before any other court exercising appellate jurisdiction. Five hundred rupees. One thousand rupees. Two hundred fifty rupees. Five hundred rupees. Two hundred and fifty rupees. One hundred rupees. Fifty rupees. One hundred rupees. Two hundred fifty rupees. One hundred rupees. Fifty rupees. Two hundred and fifty rupees. One hundred and fifty rupees. Two thousand and five hundred rupees. (ii) any proceeding seeking sanction of the court for the scheme of reconstruction or amalgamation etc. under V of part VI or the said Act. (iii) Any proceeding for oppression and/or mismanagement or other judicial action under chapter VI of part VI or the said Act. (iv) Any other petition under the said Act (Or any judicial proceeding action. (v) Any application under the Companies Act, 1956 (1 of 1956). Caveat application Contempt petition under the Contempt of Court Act, 1971: (70 of 1971). under the Appeal Contempt of Court Act, 1971 (70 of 1971) Claim petition under the Motor Vehicles Act, 1988 (59 of 1988). Appeal under Motor Vehicles Act, 1988 (59 of 1988) against the award passed by a Motor Claims Accidents Tribunal. or petition Any suit for Intellectual Property Rights. When filed before a Civil Judge. when filed before a District Judge. when filed before the High Court. Filed before a Claims Tribunal. Motor Accidents When filed before a Civil Judge. Two thousand and five hundred rupees. Two thousand and five hundred rupees. Two hundred and fifty rupees. Five hundred rupees. One hundred rupees. Two hundred fifty rupees. Five hundred rupees. One hundred rupees. One hundred rupees. One hundred rupees. Two hundred and fifty rupees. Five hundred rupees. 32. 33. 341

35. Appeal relating to and under the Income Tax Act, 1961 (43 of 1961) or the Wealth Tax Act, (27 of 1957). Any suit under the Partnership Act, 1932 (32 of 1932) for reconstitution and/or of accounts partition or for any relief limited under the Partnership Act

2008. Revision petition under section 15 of the Code of Civil Procedure, 1908 (S of 1908). filed before the High Court. Revision petition filed under the Delhi Rent Control Act, 1938 (59 of 1955) against the order of the Rent Controller or Rent Control Tribunal. filed in High Court. Any other suit or petition not covered hereinabove when filed before District Judge. when filed before the High Court. When filed before a Civil Judge. when filed before a District Judge. when filed before the High Court. When filed before a Civil Judge. when filed before District Judge. When filed before the High Court. One thousand rupees. Five thousand rupees. Five thousand rupees. One hundred or one percentum. or the valuation of the suit, whichever is more: Two hundred rupees or one percentum of the valuation of the suit whichever is more: Five hundred or one percentum of the valuation of the suit; whichever is more. Five hundred rupees. Five hundred rupees. One hundred rupees. Two hundred and fifty rupees. Five hundred rupees. (Tarun Sahrawat) Addl. Secretary (Law, Justice L.A.)

