

DISCRETION OR ENTITLEMENT? CRITICAL REVIEW OF COURT FEE REFUNDS UNDER SECTION 16A OF THE MAHARASHTRA COURT FEES ACT

Quasi-Judicial Nature of Refund Decisions in the Light of Mediated Settlements

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ABSTRACT

Section 16A of the Maharashtra Court Fees Act, 1959,¹ added through the 2018 amendment, pertains to the refund of court fees where disputes have been settled under Section 89 of the Code of Civil Procedure, 1908.² But the nature of the authority competent to issue the refund remains an unresolved question before the judiciary. The problem has become stark following the decision of the Supreme Court on 19 December 2024 wherein it ruled that Lok Adalat settlement and mediation, despite being two forms of alternative dispute resolution, are distinct from each other, hence not fungible, for purposes of refunds under Section 89 CPC, and recommended the Maharashtra legislature to correct the problem of discrepancies between the treatment of the various forms of settlement under Section 89 CPC as far as refund of court fees is concerned.³ The thesis of this paper is that the call of the Court for legislative action overlooks an even more important prerequisite; whether the determination relating to the issuance of refund is a quasi-judicial one entailing natural justice requirements or whether it is merely a ministerial task. Using the institutional decision-making approach and the Kraipak principle,⁴ the paper examines whether the administrative categorization of Section 16A

¹ Section 16A, Maharashtra Court Fees Act, 1959.

² Code of Civil Procedure, No. 5 of 1908, § 89 (India).

³ *Sanjeevkumar Harakchand Kankariya v. Union of India*, 2024 INSC 1004.

⁴ *A.K. Kraipak v. Union of India*, (1969) 2 S.C.C. 262.

determination holds water, especially considering that a settlement entered in a court-recorded compromise itself proves the terms of settlement.⁵

Keywords: Quasi-judicial function, Court Fees Act, institutional decision-making, ADR refund jurisprudence

REVIEW OF LITERATURE

The academic consideration of the issue of administrative/quasi-judicial function classification within Indian administrative law emerged earlier than the doctrine matured in the context of judicial practice.⁶ For example, M.P. Jain in the "Journal of the Indian Law Institute" (1959) studied the interplay between the exercise of administrative discretion and the protection of fundamental rights in India, thereby providing an early analysis of the importance of the actual nature of the function performed as opposed to the official label attached to it in terms of procedural guarantees.⁷ In light of the Supreme Court's restrictive approach to the scope of rights-based review in the case of *Ujjambai v. State of Uttar Pradesh* (1963), K.B. Nambyar considered the narrow interpretation of rights-based review applied by the Court to include only quasi-judicial acts of administration, thus anticipating some of the issues raised in this discourse.⁸ Later on, S.N. Jain in two successive JILI articles (1974 and 1979) studied the real-world implications of classificatory uncertainty: firstly, in respect of the void/voidable nature of administrative decisions which contravene natural justice, and secondly, in connection with the new balance of relations between administrative and constitutional rights law set up by *Maneka Gandhi* without solving the initial classification problem.⁹ Most recently, in the *Oxford University Commonwealth Law Journal* (2013), Abhinav Chandrachud illustrated the judicial move from the *Wednesbury* standard to proportionality review in India, thereby demonstrating that Indian courts still draw upon English doctrines without fully integrating the imported concepts in light of the local administration of justice.¹⁰ In terms of direct relevancy to the

⁵ Id.

⁶ M.P. Jain, *Administrative Discretion and Fundamental Rights in India*, 1(2) **J. Indian L. Inst.** 223 (1959).

⁷ Id.

⁸ *Ujjambai v. State of Uttar Pradesh*, A.I.R. 1962 S.C. 1621.

⁹ S.N. Jain, [Exact Article Title], xx(x) **J. Indian L. Inst.** xxx (1974).; S.N. Jain, [Exact Article Title], xx(x) **J. Indian L. Inst.** xxx (1979).

¹⁰ Abhinav Chandrachud, *Wednesbury Reformulated: Proportionality and the Supreme Court of India*, 13(1) **Oxford U. Commonwealth L.J.** 191 (2013).

current discourse, the article of Raeesa Vakil published in the "International Journal of Constitutional Law" in 2018 gives one of the few recent and thorough scholarly considerations of the matter of administrative/quasi-judicial function classification in India.¹¹

THE LITERATURE GAP

There is no academic literature in any form whatsoever discussing the issues concerning court fees refund procedures, CPC Section 89-related certification, or the classification status of court fees refund duties. This is noteworthy considering the large amount of pending litigation concerning this issue (see for example, Kankariya, 2024; Nutan Batra, 2018; V.B. Bhatia) and indicates exactly what this paper is about.¹²

RESEARCH QUESTION(S)

1. The nature of the refund certifying activity done by the civil courts in light of the provisions dealing with mediation contained in the Maharashtra Court Fees Act, 1959.¹³ Is this activity an administrative function, or does it possess some characteristics of an adjudicatory function, making it a quasi-judicial function?
2. Whether the characterization of the award-making process of Lok Adalat as merely an “administrative act” in *Sanjeevkumar Harakchand Kankariya (2024)*¹⁴ is an apt analogy to characterize the process of certifying refunds in light of the mediation provisions in the MCFA, 1959, or not.¹⁵

RESEARCH OBJECTIVE(S)

1. Analysis of the legislative backdrop surrounding the activity of refund certifying through the lens of principles of administrative law.

¹¹ Raeesa Vakil, Constitutionalizing Administrative Law in the Indian Supreme Court: Natural Justice and Fundamental Rights, 16(2) *Int'l J. Const. L.* 475 (2018).

¹² *Sanjeevkumar Harakchand Kankariya v. Union of India*, 2024 INSC 1004.; V.B. Bhatia v. State of Haryana, 2014 SCC OnLine Del 2901; Nutan Batra v. Buniyaad Associates, 2018 SCC OnLine Del 12916.

¹³ Maharashtra Court Fees Act, No. XXXVI of 1959, § 16A (India).

¹⁴ *Sanjeevkumar Harakchand Kankariya v. Union of India*, 2024 INSC 1004.

¹⁵ Maharashtra Court Fees Act, No. XXXVI of 1959, § 16A (India).

2. Whether the characterization of Lok Adalat awards as done in Jalour Singh is applicable to the issue at hand in view of the differences in doctrine between conciliation and adjudication.
3. The consequences of either of the above analyses, especially in light of the concept of “refusal of refund certification on reasonable grounds.”

INTRODUCTION

The Indian administrative law system has been concerned with identifying the nature of functions performed by the government through differentiating between a purely ministerial and an entirely adjudicative process in order to determine if any procedural protection incorporated in natural justice is applicable to the function in question.¹⁶ This research continues with that tradition and deals with an important but narrow aspect related to the nature of the function of refund certification conducted by the civil court under Section 16A in connection with the provisions of mediation provided for in the Maharashtra Court Fees Act, 1959 (MCFA)¹⁷. According to the judgment passed by the Supreme Court of India in *Sanjeevkumar Harakchand Kankariya v. Union of India* (2024 INSC 1004) dated 19 December 2024, the collection of court fees falls under the domain of the State Legislature as per Entry 3, List II, and the settlements of Lok Adalat cannot be considered as mediations under Section 89 of the Code of Civil Procedure.¹⁸ It is worth pointing out that in the case in question, the Court favorably referred to its previous description of the award-giving procedure carried out by the Lok Adalat as not having any element of either adjudication or judging and being “merely an administrative act,” whereas its classification of the refund-certifying procedure in relation to mediation as performed in accordance with the court-fees laws was not mentioned. The thesis of this research paper is that this is not a coincidence, but an illustration of how the field of Indian administrative law is ignoring another aspect of the functions performed by courts when acting in an administrative, rather than adjudicatory, capacity.

The practical stakes of this classification extend well beyond legal theory. As of November 2023, the National Judicial Data Grid recorded over 4.4 crore cases pending in India's district and taluka courts alone, with Maharashtra's subordinate courts accounting for a

¹⁶ *A.K. Kraipak v. Union of India*, (1969) 2 S.C.C. 262.; *Gullapalli Nageswara Rao v. A.P. State Road Transp. Corp.*, A.I.R. 1959 S.C. 308.

¹⁷ M.P. Jain, *Indian Constitutional Law* (latest ed.) or *Principles of Administrative Law* (if this is your source).

¹⁸ *A.K. Kraipak v. Union of India*, (1969) 2 S.C.C. 262.

disproportionately high share of that backlog. Court fee refunds linked to ADR settlements constitute a growing category of financial entitlements contested by litigants, and in civil suits involving property and commercial disputes, the sums involved can extend into several lakhs of rupees. Classifying the certifying function as administrative or quasi-judicial is therefore decisive not only for procedural doctrine, but also for the practical question of whether a litigant whose refund claim is rejected has any cognizable ground of legal challenge beyond the text of Section 16A itself.¹⁹

JUDICIAL PRONOUNCEMENT(S)

The reference *Sanjeevkumar Harakchand Kankariya v. Union of India* is the starting point for this paper and provides an account of the entire procedure in detail.²⁰ The suit initiated in the Civil Judge, Senior Division, Aurangabad of the appellant was referred to mediation under Section 89 of the Civil Procedure Code,²¹ resulting in a compromise settlement with 50% refund of court fees.²² The writ petition filed by the appellant in the Bombay High Court (Aurangabad Bench) was dismissed on 1 October 2014, but the High Court suggested amendment to the MCFA to enable full refund, a suggestion which was taken into account by the legislature in enacting the Maharashtra Act No. X of 2018 and inserting Section 16A²³ into MCFA.²⁴ Despite these developments, the appellant filed a Special Leave Petition that was decided more than ten years later by the Supreme Court.²⁵ The court ruled that collection of court fees falls under the sole jurisdiction of the State under Entry 3, List II and rejected the claim of the appellant based on Entry 11-A (administration of justice).²⁶ The court also refused to consider Lok Adalats settlements under Legal Services Authorities Act, 1987²⁷ on par with

¹⁹ Satya Prakash, *21k Judges Struggle to Clear 5 Crore Cases*, The Tribune (17 December 2023) <<https://www.tribuneindia.com/news/india/21k-judges-struggle-to-clear-5-crore-cases-572887>>; accessed 30 August 2026; see also Data for India, *Judicial Pendency in India* (2026) <<https://www.dataforindia.com/pendency/>>; accessed 30 August 2026 (recording over 5.5 crore pending cases at all levels by early 2025, with Maharashtra and Uttar Pradesh having the highest pendency growth among major states).

²⁰ *Sanjeevkumar Harakchand Kankariya v. Union of India*, 2024 INSC 1004.

²¹ Code of Civil Procedure, No. 5 of 1908, § 89 (India).

²² *Sanjeevkumar Harakchand Kankariya v. Union of India*, 2024 INSC 1004.

²³ Maharashtra Court Fees Act, No. XXXVI of 1959, § 16A (India); Maharashtra Act No. X of 2018.

²⁴ Maharashtra Court Fees Act, No. XXXVI of 1959, § 43 (India).

²⁵ *Sanjeevkumar Harakchand Kankariya v. Union of India*, 2024 INSC 1004.

²⁶ INDIA CONST. sched. VII, list II, entry 3.; INDIA CONST. sched. VII, list III, entry 11-A.

²⁷ Legal Services Authorities Act, No. 39 of 1987, § 21 (India).

CPC-mediated settlements. Relief was only awarded under Article 142, “not to be a binding precedent.”²⁸

The interpretive difficulties surrounding court fee refund entitlements are not a product of Kankariya alone; they have been recognised for well over a decade. The Law Commission of India, in its 238th Report submitted in December 2011, identified what it called a 'clear drafting error' in Section 16 of the central Court Fees Act, 1870, noting that a literal reading of that provision would entitle a plaintiff to a refund merely on a court's reference to any ADR process, regardless of whether a settlement was actually achieved. While the Commission's recommendations informed amendments to the central Act and were noted judicially in cases such as *Nutan Batra v. Buniyaad Associates*, the Maharashtra legislature, when it inserted Section 16A into the MCFA in 2018, did not fully address these interpretive concerns. The persisting definitional and procedural gaps are precisely the conditions in which ambiguous administrative classifications arise and, eventually, become sources of legal controversy.²⁹

Essential to the classification argument raised in this paper is the reliance by the Court on the case *State of Punjab v. Jalour Singh*, where it was held that a Lok Adalat does not have “any adjudicatory or judicial functions,” and award making is “mere administrative action of recording a settled position.”³⁰ This judgment is the most lucid example of judicial criteria to define what constitutes a purely administrative action with respect to dispute resolution, and the paper seeks to analyze whether the meditative process of refund certification diverges from this example.³¹

A.K. Kraipak v. Union of India, is the authority in support of non-dichotomous approach to the issue of classification of an administrative action versus quasi-judicial action.³² In this case, the object of a statute and not its label would determine the applicability of natural justice, and this is how Section 16A will be interpreted in this paper.³³

²⁸ *Sanjeevkumar Harakchand Kankariya v. Union of India*, 2024 INSC 1004.

²⁹ Law Commission of India, 238th Report: Amendment of Section 89 of the Code of Civil Procedure, 1908 (December 2011) para 6.4.2; see also *Full Court Fee to be Refunded if Case Referred to Mediation by Court Ends in Compromise Decree*, LiveLaw (15 December 2018) <<https://www.livelaw.in/full-court-fee-to-be-refunded-if-case-referred-to-mediation-by-court-ends-in-compromise-decree-read-order>> accessed 30 August 2026 (noting judicial agreement with the Commission's criticism of the literal refund-on-referral interpretation).

³⁰ *State of Punjab v. Jalour Singh*, (2008) 2 S.C.C. 660.

³¹ *A.K. Kraipak v. Union of India*, (1969) 2 S.C.C. 262.; *Gullapalli Nageswara Rao v. A.P. State Road Transp. Corp.*, A.I.R. 1959 S.C. 308.

³² *A.K. Kraipak v. Union of India*, (1969) 2 S.C.C. 262.

³³ Maharashtra Court Fees Act, No. XXXVI of 1959, § 16A (India).

A further layer of complexity arises from the Mediation Act, 2023 (Act No. 32 of 2023), which received Presidential assent in September 2023 and substantially substituted Section 89 of the CPC. Under the substituted provision, courts may now refer parties only to arbitration or to mediation governed by the Mediation Act, 2023; the earlier enumeration of judicial settlement and Lok Adalat as distinct modes within Section 89(1) no longer obtains. Since Section 16A of the MCFA conditions refund eligibility on a court referral to 'any of the modes mentioned in sub-section (1) of section 89,' this structural statutory change has produced a new layer of interpretive uncertainty that the Kankariya bench, decided after the Act came into partial force in October 2023, did not engage with. The certifying court under Section 16A now confronts a central procedural provision that has been silently altered in ways that affect the very categories of settlement it must verify.³⁴

The cases of *Gullapalli Nageswara Rao v. Andhra Pradesh State Road Transport Corporation* and *Gullapalli Nageswara Rao v. State of Andhra Pradesh*, lay down that in situations where a hearing is given to one officer but the decision is left to another, adequacy of the decision could become an issue if there is no independent consideration by the decision-maker.³⁵ This case is relevant because it relates to the fact that in certification of refund, a process involving the

³⁴ Mediation Act 2023 (Act No 32 of 2023) (India); see the SCC Online Blog article on the evolution of s 89 of the Code of Civil Procedure from case law to reform (2025), *SCC Online Blog* (26 February 2025) <<https://www.scconline.com/blog/post/2025/02/26/the-evolution-of-section-89-of-the-code-of-civil-procedure-from-case-law-to-reform/>> accessed 30 August 2026 (noting that the substituted s 89 eliminates the pre-referral requirement to formulate settlement terms, corrects the mediation/judicial settlement drafting confusion, and reduces the enumerated modes to arbitration and mediation only).

³⁵ *Gullapalli Nageswara Rao v. Andhra Pradesh State Road Transport Corp.*, A.I.R. 1959 S.C. 308.

registry, the judicial officer, and the mediation center would be involved.³⁶

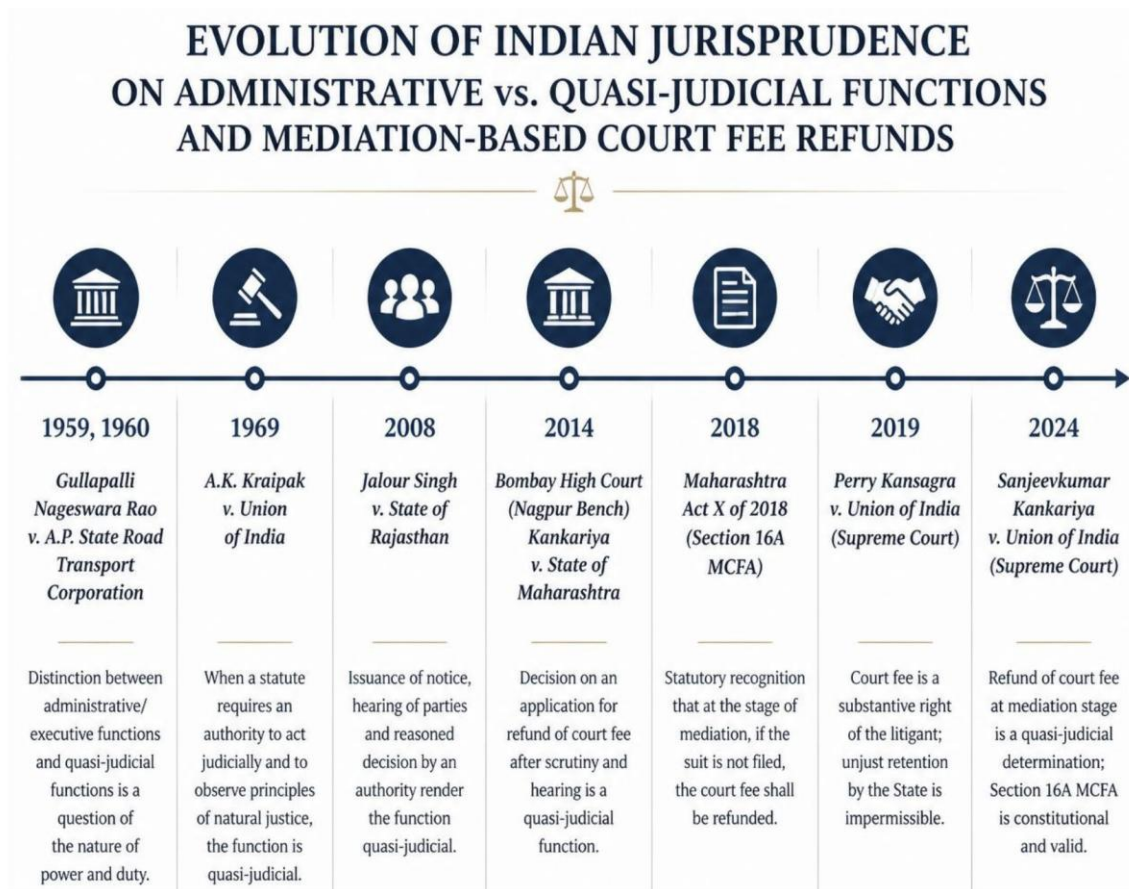


Figure 1: made on Canva

The case of *Perry Kansagra v. Smriti Madan Kansagra*, has been relied upon by the Supreme Court of India in laying down that mediation is "qualitatively... on a completely different footing" than adjudication.³⁷ This indicates that merely because mediation is non-adjudicatory in nature, does not mean that the court's certifying act thereafter becomes non-adjudicatory.

Further, the Delhi High Court's case (*Ravindra Bhat & Prateek Jalan, JJ.*) regarding the interpretation of Section 16 and 16A of the Court Fees Act as applicable to Delhi (not MCFA) is highly persuasive and extraterritorial for the purpose of distinguishing between "mediation" and "judicial settlement."³⁸

³⁶ *Gullapalli Nageswara Rao v. State of Andhra Pradesh*, A.I.R. 1959 S.C. 1376.

³⁷ *Perry Kansagra v. Smriti Madan Kansagra*, (2019) 20 S.C.C. 753.

³⁸ *Nutan Batra v. Buniyaad Associates*, 2018 SCC OnLine Del 12916.

COMPARATIVE STUDY/ANALYTICAL STUDY

PARAMETER	CENTRAL BASELINE (CFA, 1870, SECTION 16)³⁹	MAHARASHTRA (MCFA, 1959)⁴⁰	DELHI (PRE- 2026)	DELHI (POST- 2026 AMENDMENT)
FULL REFUND TRIGGER	Court-directed reference under Section 89 CPC	Section 16A (inserted 2018), court refers parties to Section 89 mode	Section 16, court refers parties to Section 89 mode ⁴¹	Section 16 (substituted), any amicable settlement, "with or without the intervention of the Court" ⁴²
PARTIAL REFUND (PRIVATE SETTLEMENT)	Not addressed	Section 43, 50%, settlement before evidence recorded	Section 16A, 50%, settlement before evidence recorded, no Section 89 invocation	Provision effectively subsumed; no separate lower tier for private settlement
CLASSIFICATORY BASIS FOR DIFFERENTIAL TREATMENT	Procedural origin of settlement (court-referred vs. private)	Same, procedural origin of settlement	Same, procedural origin of settlement	Abandoned, substantive fact of early resolution, not procedural origin ⁴³

³⁹ Court Fees Act, No. 7 of 1870, § 16 (India); Code of Civil Procedure, No. 5 of 1908, § 89 (India).

⁴⁰ Maharashtra Court Fees Act, No. XXXVI of 1959, § 16A (India).

⁴¹ Court Fees Act, No. 7 of 1870, § 16, as amended by the Court Fees (Delhi Amendment) Act, 2010 (India).

⁴² Court Fees (Delhi Amendment) Act, 2026, Act No. 2 of 2026, § 2 (India).

⁴³ Code of Civil Procedure, No. 5 of 1908, § 89 (India); Maharashtra Court Fees Act, No. XXXVI of 1959, §§ 16A, 43 (India); Court Fees (Delhi Amendment) Act, 2026, Act No. 2 of 2026.

JUDICIAL CHARACTERIZATION OF UNDERLYING FUNCTION	<i>Jalour Singh</i> (2008): Lok Adalat award- making is "merely an administrative act" ⁴⁴	<i>Kankariya</i> (2024): court- referral distinction from Lok Adalat upheld; refund- certifying function's character left unaddressed ⁴⁵	<i>Nutan Batra</i> (2018): Section 16A exists specifically to cover non- Section 89 settlements ⁴⁶	Legislature implicitly treats function as administrative regardless of referral origin ⁴⁷
MOST RECENT AUTHORITATIVE INTERVENTION	—	Supreme Court, 19 December 2024 (judicial, narrow) ⁴⁸	—	Delhi Legislative Assembly, 2026 (legislative, structural) ⁴⁹
NET EFFECT ON CLASSIFICATORY AMBIGUITY	Ambiguity inherited by both states	Ambiguity preserved	Ambiguity preserved	Ambiguity legislatively dissolved

CRITICAL ANALYSIS

The above comparison table provides a basis for recognizing jurisdictional differences; the following discussion proceeds to answer the harder question intended for this paper - the importance of the issue, as well as the substantive nature of the refund certifying function provided for in Section 16A.

⁴⁴ State of Punjab v. Jalour Singh, (2008) 2 S.C.C. 660.

⁴⁵ Sanjeevkumar Harakchand Kankariya v. Union of India, 2024 INSC 1004.

⁴⁶ *Nutan Batra v. Buniyaad Associates*, 2018 SCC OnLine Del 12916.

⁴⁷ Court Fees (Delhi Amendment) Act, 2026, Act No. 2 of 2026.

⁴⁸ Sanjeevkumar Harakchand Kankariya v. Union of India, 2024 INSC 1004.

⁴⁹ Court Fees (Delhi Amendment) Act, 2026, Act No. 2 of 2026.

On Research Question 1: Administrative or Quasi-Judicial? The application of the functional test of Kraipak allows moving beyond mere statutory labels in order to investigate the nature of the power at issue, its effect on rights and the duty to act judicially.⁵⁰ In this regard, the refund certifying function cannot be easily classified as administrative. The decision in accordance with Section 16A⁵¹ involves not a discretionary grant of any policy-based benefit, but a statutorily-mandated right which is conditional upon satisfaction of certain legal criteria. First, a court decision to use one of the Section 89 methods.⁵² Second, resolution through the "adaptation" of such method. And third, as shown in *Puneet Bhatia v. Karishma Bhatia*, the proper sub-category of the ADR mechanism (arbitration, conciliation, judicial settlement or mediation), since the procedures of each sub-category have different consequences.⁵³ It is not a question of checking certain criteria, but of classifying the facts according to the statutory categories. And this is exactly the type of reasoning that is used to determine rights.⁵⁴

On Research Question 2: Is the analogy of *Jalour Singh* valid? No, and the reason lies in structure rather than surface.⁵⁵ *Jalour Singh* describes Lok Adalat's awarding of compensation as "merely an administrative act" for the simple reason that Lok Adalat lacks the power to examine or reject the agreement made by the parties to the dispute, as it "has no adjudicatory or judicial functions" but records the conclusions drawn by the disputing parties themselves.⁵⁶ By contrast, the court that must certify a Section 16A refund is a different animal, it must examine independently the statutory pre-conditions (which the parties can't certify themselves) whether indeed the settlement in question was one which has come about as a result of court referral and not as some private arrangement masquerading as one, precisely the issue dealt with in *Nutan Batra*.⁵⁷ The moment there is a need to examine disputed statutory conditions, and not simply record them, the analogy in *Jalour Singh* becomes unsustainable, the certifying court is not a rubber-stamp authority but an evaluator of sorts.⁵⁸

⁵⁰ *A.K. Kraipak v. Union of India*, (1969) 2 S.C.C. 262.

⁵¹ Maharashtra Court Fees Act, No. XXXVI of 1959, § 16A (India).

⁵² *Gullapalli Nageswara Rao v. Andhra Pradesh State Road Transport Corp.*, A.I.R. 1959 S.C. 308.; Code of Civil Procedure, No. 5 of 1908, § 89 (India).; Maharashtra Court Fees Act, No. XXXVI of 1959, § 16A (India).

⁵³ *V.B. Bhatia v. State of Haryana*, 2014 SCC OnLine Del 2901.

⁵⁴ Code of Civil Procedure, No. 5 of 1908, § 89 (India).

⁵⁵ *State of Punjab v. Jalour Singh*, (2008) 2 S.C.C. 660.

⁵⁶ *Id.*

⁵⁷ Maharashtra Court Fees Act, No. XXXVI of 1959, § 16A.

⁵⁸ *Nutan Batra v. Buniyaad Associates*, 2018 SCC OnLine Del 12916.

The structural distinction between recording and evaluating is further illuminated by the procedural guidance provided in *Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. Pvt. Ltd.*, where the Supreme Court clarified that the different modes under Section 89 CPC operate under fundamentally different procedural frameworks: arbitration and conciliation require the consent of both parties, while mediation and judicial settlement do not; and courts referring matters to ADR are expected to actively explain these distinctions to the parties before making a referral. The very procedural individualization built into Section 89 referrals means that verifying which mode was actually employed in a particular settlement, and whether it was legitimately concluded under that mode, necessarily involves factual assessment that goes beyond mechanical recording. A certifying court that must distinguish a Section 89-referred mediation from a private settlement dressed up as one is doing something qualitatively different from a Lok Adalat that merely inscribes a concluded agreement.⁵⁹

On research question 3: Consequences under natural justice principles. If this reclassification is accepted, two consequences follow. First, in the manner of Gullapalli Nageswara Rao’s “one who hears must decide”, where a refund certificate application is considered by the registry staff and not the judicial officer that conducted the settlement process, the certifying authority must clearly apply its mind to the statutory conditions involved independently.⁶⁰ Second, and more critically, where parties are refused any or partial refund, they are entitled to a reasoned speaking order under the Kraipak dictum, for this is not a trivial right but a pecuniary right which is often substantial (in lakhs of rupees).⁶¹

Another piece of data corroborates rather than disproves the above conclusion. The legislative intervention of Delhi in 2026 cannot be interpreted as a sign that the basic function at issue is really administrative and can therefore be simplified legislatively in a generalized way. On the contrary, a more convincing conclusion can be drawn, namely that the Delhi legislature acted precisely because of the inconsistency caused by the differentiation between referral and court action, which led to litigious situations.⁶² Nutan Batra, Ravindra Bhat and Prateek Jalan’s decision of 2018, as well as Puneet Bhatia, are based on fine distinctions of facts decided in

⁵⁹ *Afcons Infrastructure Ltd v Cherian Varkey Construction Co Pvt Ltd* (2010) 8 SCC 24 (India), at paras 21-27 (setting out the procedural framework distinguishing ADR modes under s 89 CPC and emphasising the court’s active evaluative role prior to and after referral).

⁶⁰ Gullapalli Nageswara Rao v. Andhra Pradesh State Road Transport Corp., A.I.R. 1959 S.C. 308.

⁶¹ *Id.*

⁶² Court Fees (Delhi Amendment) Act, 2026, Act No. 2 of 2026.; A.K. Kraipak, (1969) 2 S.C.C. 262.

each case by the courts. Persistent and large-scale interpretation controversy does not pertain to a mere ministerial function, but to quasi-judicial activity, which lacks procedural rules.⁶³ Maharashtra's continued use of this referral-based differentiation, untouched by the Kankariya doctrine, retains an unrecognized quasi-judicial function in administrative guise, exactly what the paper's arguments seek to remedy.⁶⁴

CONCLUSION AND SUGGESTIONS

CONCLUSION

The current research endeavors to determine whether the certification of refunds carried out by the civil courts through section 16A of the Maharashtra Court Fees Act, 1959, can be classified as administrative or quasi-judicial.⁶⁵ Furthermore, the study attempts to establish whether the characterization of award making by the Lok Adalat in Jalour Singh is a viable analogy for the above case. It turns out that such a characterization is inaccurate.⁶⁶ While a Lok Adalat merely records a compromise that it had no power to review, a court making a certification of section 16A refund⁶⁷ has to establish on its own contested statutory requirements, means of settlement, state of disposal, and whether the case was referred to the court before being resolved.⁶⁸ This implies that the function should be considered quasi-judicial rather than administrative as per Kraipak spectrum. Evidence of Delhi further supports rather than refutes the above conclusion: continued litigation in regard to virtually identical facts is the hallmark of a quasi-judicial function.⁶⁹

SUGGESTIONS

1. Doctrine clarification by Bombay High Court. Since the classificatory issue remains unresolved in Kankariya (2024), a pertinent reference case should clarify, beyond doubt, whether determinations under Section 16A attract the doctrines of natural justice

⁶³ Nutan Batra v. Buniyaad Associates, 2018 SCC OnLine Del 12916.; V.B. Bhatia v. State of Haryana, 2014 SCC OnLine Del 2901.

⁶⁴ Maharashtra Court Fees Act, No. XXXVI of 1959, §§ 16A, 43.; Sanjeevkumar Harakchand Kankariya v. Union of India, 2024 INSC 1004.

⁶⁵ Maharashtra Court Fees Act, No. XXXVI of 1959, § 16A (India).

⁶⁶ State of Punjab v. Jalour Singh, (2008) 2 S.C.C. 660.

⁶⁷ Maharashtra Court Fees Act, No. XXXVI of 1959, § 16A (India).

⁶⁸ *Id.*

⁶⁹ A.K. Kraipak v. Union of India, (1969) 2 S.C.C. 262.; Court Fees (Delhi Amendment) Act, 2026, Act No. 2 of 2026; Nutan Batra v. Buniyaad Associates, 2018 SCC OnLine Del 12916.

and are not left to be inferred through neighboring cases on referral against private settlement.⁷⁰

2. Speaking orders in rejection of refund. Consistent with the Kraipak principle, a refusal or a partial rejection of a refund claim under Section 16A shall invariably be attended by a brief speaking order stating the statutory ground or grounds not fulfilled.⁷¹
3. Legislative intervention inspired by Delhi. The Legislature of Maharashtra may consider whether the referral criterion still holds good in principle in the wake of the Delhi experience of 2026 where it has been abandoned.⁷² The above analysis, however, calls for caution and points out that any legislative simplification needs to follow and not precede doctrinal clarification of the underlying doctrine.
4. Safeguard for delegation of certification. Where the certification process for refund is undertaken not by the judicial officer but by the registry officers, the process must necessarily include an independent application of mind by the latter, in line with Gullapalli Nageswara Rao.⁷³

⁷⁰ Sanjeevkumar Harakchand Kankariya v. Union of India, 2024 INSC 1004.; A.K. Kraipak v. Union of India, (1969) 2 S.C.C. 262.

⁷¹ Siemens Eng'g & Mfg. Co. of India Ltd. v. Union of India, (1976) 2 S.C.C. 981.

⁷² Court Fees (Delhi Amendment) Act, 2026, Act No. 2 of 2026.

⁷³ Gullapalli Nageswara Rao v. Andhra Pradesh State Road Transport Corp., A.I.R. 1959 S.C. 308.

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5. Code of Civil Procedure, No. V of 1908, § 89, India Code (1908).
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