



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Court-fees (Goa Amendment)  
Bill, 2016**

(Bill No. 14 of 2016)

\_\_\_\_\_  
(To be introduced in the Legislative Assembly of the State of Goa)  
\_\_\_\_\_

**GOA LEGISLATURE SECRETARIAT,  
ASSEMBLY HALL, PORVORIM, GOA  
MARCH, 2016**

**The Court-fees (Goa Amendment)  
Bill, 2016**

(Bill No. 14 of 2016)

A

BILL

*further to amend the Court-fees Act, 1870 (7 of 1870), as in force in the State of Goa.*

5 BE it enacted by the Legislative Assembly of Goa in the Sixty-Seventh Year of the Republic of India, as follows:—

10 1. **Short title and commencement.**— (1) This Act may be called the Court-fees (Goa Amendment) Act, 2016.

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

15 2. **Amendment of section 13.**— In section 13 of the Court-fees Act, 1870 (7 of 1870), as in force in the State of Goa (hereinafter referred to as the “principal Act”), in sub-section (2), for the expression “Judicial Commissioner’s Court constituted under the Goa, Daman and Diu (Judicial Commissioner’s Court) Regulation 1963”,  
20 the words “High Court” shall be substituted.

21 3. **Amendment of section 14.**— In section 14 of the principal Act, for the words “from the Collector”, the expression “from the Collector or by way of e-payment, in the manner as prescribed by rules” shall be substituted.

4. **Amendment of section 15.**— In section 15 of the principal Act, for the words “from the Collector”, the expression “from the Collector or by way of e-payment, in the manner as prescribed by rules,” shall be substituted. 5

5. **Amendment of section 16 ( As inserted by Central Act 46 of 1999).**— In section 16 of the principal Act, as inserted by Central Act 46 of 1999, for the words “from the Collector”, the expression “from the Collector or by way of e-payment, in the manner as prescribed by rules” shall be substituted. 10

6. **Amendment of sections 16 to 16C (As inserted by Goa, Daman and Diu Act 5 of 1966).**— Sections 16, 16A, 16B and 16 C of the principal Act as inserted by the Court-Fees (Goa, Daman and Diu Amendment) Act, 1966 (Act 5 of 1966), shall be re-numbered as sections 16A, 16B, 16C and 16D respectively and in section 16D as so re-numbered, for the words  
20 “from the Collector”, the expression “from the Collector or by way of e-payment, in the manner as prescribed by rules” shall be substituted.

7. **Amendment of section 25.**— In section 25 of the principal Act, in the title and in the section, for the words “stamps”, the words “stamps or e-payment” shall be substituted. 25

8. **Amendment of section 27.**— In section 27 of the principal Act,— 30

(i) in clause (c), the word “and” shall be omitted;

(ii) in clause (d), for the figure “ : ”, the figure and word “ ; and” shall be substituted;

(iii) after clause (d), the following clause shall be inserted, namely:—

5 “(e) the manner of payment of Court-fee and refund thereof by e-payment:”.

9. **Amendment of section 30.**— In section 30 of the principal Act, the following proviso shall be inserted, namely :—

10 “Provided that, where court-fee is paid by e-payment, the officer competent to cancel stamp shall verify the genuineness of the payment and after satisfying himself that the court-fee is paid, shall lock the entry in the computer and make  
15 an endorsement under his signature on the document that the court-fee is paid and the entry is locked”.

### **Statement of Objects and Reasons**

It is proposed to introduce e-payment facilities for the Advocate as well as the litigants who desire to pay the Court fee by way of e-payment and also for convenience of the general public.

For implementing the project of e-court fee system, online payment is necessary for which a payment gateway is required to be channelized.

In order to have the above facility, there is a need to amend the Court-fees Act 1870 (7 of 1870) so as to include the words by way of e-payment and therefore, the amendments to sections 13, 14, 15, 16, 16 to 16C, 25, 27 and 30 needs to be done.

This Bill seeks to achieve the above objects.

### **Financial Memorandum**

No Financial implications are involved in this Bill.

### **Memorandum Regarding Delegated Legislation**

Clauses 3, 4 and 5 of the Bill empowers the Government to frame the Rules for e-payment of Court fees.

This delegation is of normal character.

Porvorim, Goa  
8th March, 2016

**Adv. Francis D'souza**  
Minister for Law

Assembly Hall,  
Porvorim, Goa.  
8th March, 2016

**N. B. SUBHEDAR**  
Secretary to the Legislative  
Assembly of Goa.

**ANNEXURE**

.....  
**Extract of sections 13, 14, 15, 16, 25, 27 and 30 of  
the Court-fees Act, 1870 (7 of 1870)**  
.....

**Section 13.** Refund of fee paid on memorandum of appeal.— If an appeal or plaint, which has been rejected by the lower Court on any of the grounds mentioned in the Code of Civil Procedure, is ordered to be received, or if a suit is remanded in appeal, on any of the grounds mentioned in [section 351 of the same Code, for a second decision by the lower Court, the Appellate Court shall grant to the appellant a certificate, authorizing him to receive back from the Collector the full amount of fee paid on the memorandum of appeal:

Provided that, if in, the case of a remand in appeal, the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorize the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.

**Section 14.** Refund of fee on application for review of judgment.— Where an application for a review of judgment is presented on or after the ninetieth day from the date of the decree, the Court, unless the delay was caused by the applicant's laches, may, in its discretion, grant him a certificate authorizing him to receive back from the Collector so much of the fee paid on the application as exceeds the fee which would have been payable had it been presented before such day.

**Section 15.** Refund where Court reverses or modifies its former decision on ground of mistake.— Where an application for review of judgment is admitted, and where, on the rehearing, the Court reverses or modifies its former decision on the ground of mistake in law or

fact, the applicant shall be entitled to a certificate from the Court authorizing him receive back from the Collector so much of the fee paid on the [application] as exceeds the fee payable on any other application to such Court under the Second Schedule of this Act, No.1, clause (b) or clause (d).

But nothing in the former part of this section shall entitle the applicant to such certificate where the reversal or modification is due, wholly or in part, to fresh evidence which might have been produced at the original hearing.

**Section 16.** Refund of fee.— Where the Court refers the parties to the suit to any one of the mode of settlement of dispute referred to in section 89 of the Code of Civil Procedure, 1908 (5 of 1908), the plaintiff shall be entitled to a certificate from the Court authorising him to receive back from the Collector, the full amount of the fee paid in respect of such plaint.]

**Section 25.** Collection of fees by stamps.— All fees referred to in section 3 or chargeable under this Act shall be collected by stamps.

**Section 27.** Rules for supply, number, renewal and keeping accounts of stamps.— The [Appropriate Government] may, from time to time, make rules for regulating—

- (a) the supply of stamps to be used under this Act;
- (b) the number of stamps to be used for demoting any fee chargeable under this Act;
- (c) the renewal of damaged or spoiled stamps; and
- (d) the keeping accounts of all stamps used under this Act:

Provided that, in the case of stamps used under section 3 in a High Court, such rules shall be made with the concurrence of the Chief Justice of such Court.

All such rules shall be published in the Official Gazette, and shall thereupon have the force of law.

**Section 30.** Cancellation of stamp.— No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled.

.....  
**Extract of sections 16 to 16C of the Court Fees (Goa, Daman and Diu Amendment) Act, 1966 (Act 5 of 1966).**  
.....

**Section 16.** Refund in cases of delay in presentation of plaint, etc.:

(1) Where a plaint or memorandum of appeal is rejected on the ground of delay in its presentation, or where the fee paid on a plaint or memorandum of appeal is deficient and the deficiency is not made good within the time allowed by law or granted by the Court, or the delay in payment of deficit fee is not condoned and the plaint or memorandum of appeal is consequently rejected, the Court shall direct the refund to the plaintiff or the appellant, of the fee paid on the plaint or memorandum of appeal which has been rejected.

(2) Where a memorandum of appeal is rejected on the ground that it was not presented within the time allowed by the law of limitation, one-half of the fee shall be refunded.

**Section 16.A.** Refund on settlement before hearing:

Wherever by agreement of parties:—

(i) any suit is dismissed as settled out of Court before any evidence has been recorded on the merits of the claim; or

(ii) any suit is compromised ending in a compromise decree before any evidence has been recorded on the merits of the claim; or

(iii) any appeal is disposed of before the commencement of hearing of such appeal:

half the amount of all fees paid in respect of the claim or claims in the suit or appeal shall be ordered by the Court to be refunded to the parties by whom the same have been respectively paid.

*Explanation (1):* The expression “merits of the claim” refers to all matters which arise for determination in the suit not being matters relating to the frame of the suit, misjoinder of parties and cause of action, the jurisdiction of the court to entertain or try the suit or the fee payable, but includes matters arising on pleas of res-judicata, limitation and the like.

*Explanation (2):* The expression “hearing of the appeal” includes the “vista” of a case filed in the appellate court.

**Section 16.B.** Refund of fee paid by mistake or inadvertence:— Any fee paid by mistake or inadvertence shall be ordered to be refunded.

**Section 16.C.** Procedure for obtaining refund when a person becomes entitled to a refund of court fees, the court shall grant a certificate authorizing him to receive back from the Collector the amount specified therein, calculated according to the provisions of this Act.

Assembly Hall,  
Porvorim-Goa.  
8th March, 2016.

**N. B. SUBHEDAR**  
Secretary to the Legislative  
Assembly of Goa.