

K.A.T.[REFUND OF COURT FEE] REGULATIONS 1990

KARNATAKA ADMINISTRATIVE TRIBUNAL

[REFUND OF COURT FEE]

REGULATIONS 1990 (Regulation 1/1990)*

In exercise of the powers conferred by sub-section (1) of Section 22 of the Administrative Tribunals Act, 1985 (Central Act 13 of 85) and all other powers thereunder enabling the Karnataka Administrative Tribunal to regulate its own procedure, the Karnataka Administrative Tribunal makes the following regulations for refund of Court Fee paid into the Karnataka Administrative Tribunal.

1. These Regulations may be called, the Karnataka Administrative Tribunal (Refund of Court Fee) Regulations 1990.

2. These Regulations shall come into force from the date of their publication in the Karnataka Gazette. *

3. In cases of institution fee where refund are ordered by the Tribunal, a cheque for refund of Court Fee shall be issued authorising the party to receive from the Treasury, the part of the Court Fee paid on the application or other proceedings, as per orders of the Tribunal.

4 (i) The cheque for refund of the Court Fee shall be prepared by the Clerk in Record Section of the Tribunal in Form 'E' prescribed under rule 42 of the Karnataka Court Fee and Suits Valuation Rules, 1960, and it shall be checked and initialled by the Section Officer of the Record Section before it is tendered for signature by the Registrar or the Deputy Registrar empowered. All cheques for Refund of Court Fee so issued shall be entered in the Register of Applications for Refund of Court Fee and such entries shall be initialled by the Registrar or the Deputy Registrar empowered.

(ii) In the refund cheque and Counter-foil of the refund cheque, the amount shall be entered both in words and figures.

5. The fact of such refund shall be noted against the original entry in the stamp register (Register No.1) and on the Applications under the attestation

of the Registrar or the Deputy Registrar empowered.

***published in the Karnataka Gazette under Part - IV 2(D), dated 19.7.1990.
6 . For refund of the Court Fee paid in excess of the legal requirements, the procedure laid down in rule 3 and 4 shall be followed.**

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(i) In the case of unused process stamps, the Indexing Clerk of the Decree Branch of the Tribunal shall prepare and affix on the Tribunals' Notice Board a list of unused process stamps remaining in the cases in each month, before the 15th of the following month, showing the number of the case, names of parties or, Advocates, if any, the amount of unexpended process fee and the date on which such process fee becomes liable to be destroyed. He shall also send a copy of such list to the Section Officer of the Record Section for further action.

(ii) The unused process stamps shall be retained in the Tribunal for three months after the date of the judgment or order in the proceeding in which they were deposited. If no application is received from the depositor for the refund of their value, they shall be destroyed by or in the presence of the Registrar or the Deputy Registrar empowered.

(iii) In cases of process stamps deposited in wrong numbers, the above period of three months shall be calculated from the date of their deposit.

(iv) If an application for refund of unused process stamps is made by the depositor within three months from the date of the judgment or order, the Registrar shall pass an order for refund, if the same is admissible under the rules.

The Clerk in the Record Section shall prepare a refund order and deliver it to the depositor if he is present.

NOTE: No fee is leviable on the application for refund of unexpended process fee.

(v) If the depositor is not present when the refund order is prepared, the Tribunal shall, by Notice affixed on the Notice Board of the Record Branch of the Tribunal, intimate the date on which the same is ready for issue, and if within three months of that date the refund cheque is not taken from the Tribunal by the party entitled to it, the cheque shall be cancelled and the stamp destroyed in the presence of the Registrar or the Deputy Registrar

empowered .

(vi) The form of certificate (Form `E') prescribed for the refund of institution fee or excess Court Fee shall be used for the refund of unused process stamps also. In the case of unused process Stamps, the Stamps shall be affixed to the refund certificate duly punched and cancelled .

(vii) In all the above cases, the refund cheque shall be valid for 15 days from the date of issue. If for any reason, the cheque is not encashed within the prescribed period, it may be revalidated by the Registrar or the Deputy Registrar empowered, on presentation of a memo, for sufficient and adequate reasons.

BY ORDER OF THE TRIBUNAL

**(Sathavalli R Venkatesh Murthy)
Registrar
Karnataka Administrative Tribunal**