





after decreeing the Suit on an Application for decree on admission, in view of Section 35 of the Code of Civil Procedure, 1908 (the “CPC”) as amended by the Commercial Courts Act, 2015, this Court had also awarded costs in the matter. That pursuant to the aforesaid order the Plaintiff had made an Application for determination of costs before the Taxing Master of this Court and the Taxing Master, Mr. Savant submits after considering the compilation of documents submitted by the Plaintiff viz. bills, invoices and bank statements of payments made to the banks, has observed that she has checked that the claim of costs of Rs. 38,03,977/- tallies with the payments made through bank.

3. Mr. Savant submits that however, in view of the limitation to award costs under Rule 606 of the High Court Rules upto Rs.25,000/- and power being with the Commercial Court to award costs beyond that, in view of the schedule to the Section 16 of the Commercial Courts Act amending the Section 35, this Court may award the costs of Rs. 38,03,977/- as verified by the Taxing Master.

4. Mr. Parekh, learned Counsel appearing for the Defendant has submitted that under Rule 606(1) of the High Court Rules, maximum Advocate’s fees as costs Rs. 25,000/-.



5. Mr. Savant, learned Counsel appearing for the Plaintiff has drawn this Court's attention to Section 16(3) of the Commercial Courts Act, which clearly provides that in the event of a conflict between any Rule of a jurisdictional High Court and the provisions of the CPC as amended by this Act, the provisions as amended by this Act would apply and that, therefore, the amended Section 35 of costs which also clearly provides for discretion of the Commercial Court in the case of the commercial disputes to determine the costs *inter alia* to mean legal fees and expenses incurred and any other expenses incurred in connection with the proceedings, this Court may consider awarding costs of Rs. 38,03,977/- as the said amounts have been verified by the Taxing Master in paragraph 14 of her order dated 24<sup>th</sup> April, 2026.

6. Having heard the learned Counsel and having considered the submission, I agree with Mr. Savant and accordingly, I am inclined to award costs of Rs. 38,03,977/- to the Plaintiff to be paid by the Defendant within a period of four weeks.

NIKITA  
YOGESH  
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(ABHAY AHUJA, J.)