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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ EX.P. 81/2007

SHRI P.C. SHARMA

..... Decree Holder

Through : Mr. B.L. Wali, Adv.

versus

SHRI BABBAR S.J. BAHADUR

..... Judgement Debtor

Through : Mr. Arjun Singh Bawa, Adv. along with
judgment debtor.**CORAM:****HON'BLE MR. JUSTICE G.S.SISTANI****ORDER****15.11.2011**

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1. Present petition has been filed by decree holder seeking execution of judgment and decree dated 7.11.2006 passed in CS(OS)2272/2000.
2. Judgment and decree dated 7.11.2006 was passed in favour of Mr. P.C. Sharma (decree holder herein) in the sum of Rs.1.19 crores. Subsequently parties arrived at an amicable settlement, by which, judgment debtor agreed to pay Rs.35.00 lakhs in full and final satisfaction of the decree. Besides this amount, judgment debtor was also to furnish ST 1 Forms and in case the said forms were not submitted the liability of tax was to fall to the share of the judgment debtor. During the pendency of present matter, admittedly, Rs.35.00 lakhs stand paid by judgment debtor.
3. Learned counsel for the decree holder submits that sales tax liability

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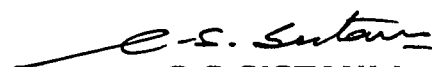
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has not been cleared by the judgment debtor. Learned counsel for the judgment debtor on instructions from judgment debtor, who is present in Court, submits that as of today there is no sales tax liability and in fact no demand has been raised. Counsel further on instruction submits that in case of any sales tax liability the judgment debtor undertakes to clear the same. Judgment debtor will be bound by the statement made by counsel in Court today.

4. In view of the stand taken by learned counsel for judgment debtor, learned counsel for the decree holder wishes to withdraw present petition, however, he seeks liberty to approach Sales Tax Department to ascertain as to whether there is any demand or liability towards ST 1 Form, subject matter of present petition. Counsel for decree holder also seeks liberty to file fresh execution petition if so advised. Counsel further submits that in case the statement made by judgment debtor is incorrect he will initiate proceedings for perjury against judgment debtor.
5. In view of above execution petition stands dismissed as withdrawn. Liberty, as prayed for, is granted.

NOVEMBER 15, 2011
msr

EX.P. 81/2007


G.S.SISTANI,J