

S-54, 57 & 63

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ ARB.P. 499/2012 & I.A.No.2083/2013

REGUS BUSINESS CETNRE(DELHI) PVT LTD Petitioner
Through Mr.Rajiv Nayar, Sr.Adv. with
Mr.Sujoy Kumar & Mr.Arindam
Ghose, Advs.

versus

ABW INFRASTRUCTURE LTD & ORS Respondents
Through Mr.B.K.Sood, Adv. with Mr.Dinesh
Kumar & Mr.Archit Vasudeva, Advs.
for R-1 & R-2.
Ms.Bina Gupta, Adv. for R-3 to R-5.

+ CS(OS) 2906/2011 & I.A.No.18690/2011

REGUS BUSINESS CETNRE(DELHI) PVT LTD Petitioner
Through Mr.Rajiv Nayar, Sr.Adv. with
Mr.Sujoy Kumar & Mr.Arindam
Ghose, Advs.

versus

ABW INFRASTRUCTURE LTD & ORS Respondents
Through Mr.B.K.Sood, Adv. with Mr.Dinesh
Kumar & Mr.Archit Vasudeva, Advs.
for D-1 & D-2.
Ms.Bina Gupta, Adv. for D-3 to D-5.

+ O.M.P. 576/2011 & I.A.Nos.13390/2011 & 15318/2011

REGUS BUSINESS CETNRE(DELHI) PVT LTD Petitioner
Through Mr.Rajiv Nayar, Sr.Adv. with
Mr.Sujoy Kumar & Mr.Arindam
Ghose, Advs.

24
versus

ABW INFRASTRUCTURE LTD & ORS

..... Respondents

Through

Mr.B.K.Sood, Adv. with Mr.Dinesh
Kumar & Mr.Archit Vasudeva, Advs.
for R-1 & R-2.

Ms.Bina Gupta, Adv. for R-3 to R-5.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

31.05.2013

%

The parties have settled their disputes in the following terms and conditions:-

- (i) Payment of maintenance charges by plaintiff at prevalent rates w.e.f. 1st April, 2013.
- (ii) All the defences open to defendant No.2 can be availed by said defendant. It is also open to the plaintiff to raise all its contentions in accordance with law.
- (iii) ABW Infrastructure Ltd., defendant No.1 being not a proper party, is to be deleted.
- (iv) Plaintiff to withdraw two petitions (OMP & ARB.) and suit will be continued for adjudication of disputes.
- (v) Plaintiff to sign Maintenance Agreement with defendant No.2 within 7 days from the date of order.
- (vi) Defendant No.2 not to disconnect electricity or deprive the plaintiff of facilities provided to plaintiff on account of non-payment of maintenance charges as demanded by defendant No.2 for the period between January, 2008 till 31st March, 2013, which are subject matter of adjudication in the present suit.
- (vii) For future default, if any, the defendant No.2 to be at liberty to take action in terms of the Maintenance Agreement.

25

In view of the above said terms and conditions, the petitioner, Regus Business Centre (Delhi) Pvt. Ltd. seeks to withdraw the Arb.P.No.499/2012 and OMP No.576/2011. As prayed, both the petitions are dismissed as withdrawn. However, the suit being CS(OS) No.2906/2011 will survive. All the pending applications in both the petitions also stand disposed of being infructuous. The interim order as passed on 4th August, 2011 in OMP No.576/2011 is substituted in view of the terms and conditions mentioned above.

✓

List the suit being CS(OS) No.2906/2011 before the roster Bench on 6th August, 2013, subject to orders from Hon'ble the Judge Incharge (Original Side).

Copies of this order be given *dasti* to the learned counsel for the parties, under the signatures of the Court Master.

MAY 31, 2013/ka

MANMOHAN SINGH, J.