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

+ **FAO(OS) (COMM) 111/2016 & CM 41979/2016**

SHREE BALAJI TRADERS

..... Appellant

Through : Mr Alok Shukla with Mr Praveen Kumar,
partner in the appellant Co.

versus

LTC COMMERCIAL COMPANY LIMITED

..... Respondent

Through : Mr Sanjeev Narula with Mr Jai Prakash

CORAM:

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE ASHUTOSH KUMAR

ORDER

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10.11.2016

We have heard the learned counsel for the parties. The following consent order is being passed. Mr Praveen Kumar, who is a partner in the appellant firm, is present so is his counsel. On the other hand, Mr Narula, representing the respondent, submits that he has full instructions to consent to the terms.

- (i) The auction/tender in respect of the 192 metric tonnes of *channa* stored in the warehouse of the respondent would stand cancelled.
- (ii) The appellant would pay a sum of Rs 55 lacs to the respondent against the claim of the respondent towards warehousing charges, which claim is denied and disputed by the appellant.
- (iii) The said payment would be without prejudice to the rights and contentions of the petitioner, i.e, Shree Balaji Traders and would be

subject to further orders that may be passed by the learned Single Judge. The said payment shall be made within two days and immediately thereupon, the appellant shall be permitted by the respondent to lift 192 metric tonnes of *channa*.

- (iv) This figure of 192 metric tonnes would also be subject to any further orders that may be passed by the learned Single Judge. The orders passed by the learned Single Judge stands superseded by the consent terms recorded above.

The appeal stands disposed of. We are making it clear that this order governs only the auction which was in respect of the *channa* belonging to the appellant and is not, in any way, connected with the auction pertaining to the firm of Ajay Kumar.

Dasti under the signature of the Court Master.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

NOVEMBER 10, 2016
SR