

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

OP(C).No. 2829 of 2015 (O)

**I.A.NO.6533 OF 2015 IN O.P(ARB)NO.1302 OF 2015 OF THE IIND ADDITIONAL
DISTRICT COURT, ERNAKULAM**

PETITIONER(S) :

**TECHNI BHARATHI PVT.LTD.,
REGISTERED OFFICE AT FLORANCE, 1ST FLOOR, 34/136A,
BYEPAS ROAD, EDAPPALLY, REPRESENTED BY ITS DIRECTOR,
MR.SANKARAN NAIR .P**

**BY ADVS.SRI.JOMY GEORGE
SRI.SEBASTIAN THOMAS
SRI.DEEPAK MOHAN
SMT.A.MINI JOSEPH**

RESPONDENT(S) :

- 1. SOMDAT BUILDERS INFRASTRUCTURE PVT.LTD,
ENGINEERING CONTRACTORS, 56-5, COMMUNITY CENTRE,
E.KAILASH, NEW DELHI- 112 065,
HAVING REGISTERED OFFICE AT GAJRAJ CHAMBERS,
28, 2ND FLOOR, 86/B2, TOPSIA ROAD (SOUTH), KOLKATTA.**
- 2. STATE OF KERALA,
REPRESENTED BY THE CHIEF ENGINEER, NATIONAL HIGHWAY,
PUBLIC WORKS DEPARTMENT, PUBLIC OFFICE BUILDING,
THIRUVANANTHAPURAM- 695 001.**
- 3. REGIONAL PAY AND ACCOUNTS OFFICER (NATIONAL HIGH WAY),
MINISTRY OF SHIPPING , ROAD TRANSPORT AND HIGHWAYS,
1ST FLOOR, F WING, 17TH MAIN ROAD,
2ND BLOCK, KENDIRYA SADANAM, KORAMANGALA,
BANGALORE- 560 034.**

**R1 BY ADV. SRI.MILLU DANDAPANI
R2 BY SR.GOVERNMENT PLEADER SMT.SUNITHA VINOD
R3 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
ADV. SMT.VANDANA P., CGC**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 30-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

K. ABRAHAM MATHEW, J.

O.P.(C)No. 2829 of 2015

Dated this the 30th day of November, 2015

J U D G M E N T

When the matter was taken up for hearing, it was brought to my notice that the first respondent has filed an affidavit on the basis of the settlement arrived at between the parties concerned. I have perused the copy of the affidavit. It is not disputed by the parties concerned that the matter has been settled as stated in the affidavit. The petitioner Techni Bharathi Private Limited has been taken over by another company. But there is no merger and the petitioner still exists as a separate entity. As full and final settlement of the claim of the petitioner the first respondent has agreed to pay it Rs.80,00,000/- (Rupees eighty lakhs only) on receipt of Rs.5,48,65,533/- (Rupees five crores forty eight lakhs sixty five thousand five hundred and thirty three only) which has been admitted by the State as the amount due to the first respondent from it. The petitioner will have no further claim in this regard. On the basis of the settlement arrived at between the parties this OP is dismissed as withdrawn.

In the result this OP is dismissed as withdrawn recording the above submission.

Submission of the learned counsel on either side that the OP filed before the Additional District Court-II, Ernakulam will be withdrawn is recorded. The first respondent undertakes to make the payment within ten days of its receipt from the State of Kerala.

sd/-

**K. ABRAHAM MATHEW
JUDGE**

R.AV

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PA to Judge