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

+ **CO.PET. 259/2014**

DINESH MONGA

..... Petitioner

Through In person.

versus

**PAL INFRASTRUCTURE AND DEVELOPERS
PRIVATE LIMITED**

..... Respondent

Through Ms. Meenakshi Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

ORDER

% **11.01.2016**

CA No.1642/2015

This application has been moved by the petitioner seeking revival of Company Petition No.259/2014 that was disposed off by this Court on 29.01.2015 pursuant to a settlement on terms between the parties. This application is predicated, *inter alia*, on the allegation that the respondent has violated the terms of the settlement and has failed to pay Rs.7 lakhs out of the settled amount and an undertaking in this behalf given to this Court.

Issue notice.

Ms. Meenakshi Singh, Advocate for the respondent, accepts notice and states that the entire outstanding amount of Rs.7 lakhs has been handed over in cash to the petitioner today itself. The petitioner, who appears in

person, and also happens to be a practicing Advocate of this Court; affirms this position and he states that nothing further is due in terms of the settlement.

Looking to the circumstances, and the fact that the respondent was obliged to pay Rs.3.5 lakhs in April 2015 and Rs.3.5 lakhs in July 2015; and the fact that non-compliance of its obligations by the respondent, has also compelled the petitioner to take out other proceedings in Execution No.118/12/27 before the Consumer Dispute Redressal Forum, Shalimar Bagh; and also to institute proceedings under Section 138 of the Negotiable Instruments Act, 1881 in respect of the dishonoured cheques which were given by the respondent to the petitioner in terms of the aforesaid settlement, counsel for the respondent has offered a sum of Rs.11,000/- towards compensation and costs. The same is acceptable to the petitioner and the same has also received by him.

The petitioner now undertakes to withdraw and close all pending proceeding including those mentioned in this order. In this context, the applicant / petitioner has also pointed out that one of the complaints in respect of the dishonoured cheques moved under Section 138 of the Negotiable Instruments Act, 1881 before the District Court, Gurgaon, Haryana, has since been transferred to District Court, Saket, New Delhi, but there appears to be some confusion as to whether the records have been duly received by the District Court, Saket, New Delhi or not. He further states that he shall take appropriate steps to ensure that the respondent is saved from any harassment with regard to this complaint or any other action initiated by the petitioner. The statement and undertaking of the petitioner /

applicant are accepted by this Court, and the petitioner shall remain bound by the same.

The application is disposed off.

SUDERSHAN KUMAR MISRA, J

JANUARY 11, 2016
dr