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

+ ARB.P. 86/2015

INDIAN YOUTH CENTRES TRUST Petitioner
Through: Mr. Mayank Bughani, Advocate with
Mr. Naveen Chawla, Advocate.
versus

NATIONAL ASSOCIATION OF SOFTWARE
AND SERVICE COMPANIES Respondent
Through: Mr. Raj Shekhar Rao, Advocate with
Mr. Sameer Dawar, Advocate.
Mr. Sunil Mittal, Amicus Curiae.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

% **ORDER**
08.01.2016

1. Mr. Udai Shankar Singh, Chief Controller of the petitioner is present along with counsel Mr. Naveen Chawla. Mr. Amit Gupta, Vice President Finance of the respondent is also present in court along with Mr. Raj Shekhar Rao, Advocate.
2. Mr. Amit Gupta, Vice President Finance of the respondent has handed over an undertaking to vacate the subject premises on or before 31st August, 2016. The undertaking is taken on record and is accepted.
3. Learned counsel for the respondent submits that in the unforeseen event of the respondent being unable to complete the construction of its own property at 7-10, Sector 126, Noida by 31st August, 2016, the respondent shall approach this court for extension of not more than four months.
4. Learned counsel for the petitioner submits that the petitioner would not oppose the extension upto four months subject to the respondent paying enhanced damages @ 20% of the last paid rent. The respondent has no

objection to the same.

5. Learned counsel for the petitioner submits that the respondent has to pay arrears of Rs.1,14,45,882/- apart from Service Tax of Rs.42,63,864/- for the period 01st September, 2014 to 31st January, 2016. Learned counsel for the respondent submits that the respondent shall pay the said amount within three weeks. Learned counsel for the respondent submits that this sum of Rs.1,57,09,746/- is the gross amount and is subject to TDS withholding at source by lessee at the applicable rates. It is further submitted that this sum of Rs. 1,57,09,746/- includes Service Tax and all cess thereon.

6. Learned counsel for the parties submit that the parties are not left with any other dispute with respect to the subject property.

7. The petition is disposed of in terms of the undertaking of the respondent. The respondent shall remain bound by the undertaking given to this court.

8. Copy of the order be given *dasti* to counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

JANUARY 08, 2016

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