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

\+ **<u>O.M.P. (COMM) 381/2016</u>**

SREI INFRASTRUCTURE FINANCE LTD. ..... Petitioner

Through Mr Abhimanyu Bhandari and Ms Gauri Rishi, Advocates.

versus

HASKONING DHV CONSULTING PVT. LTD. ..... Respondent

Through Mr Arvind K. Nigam, Senior Advocate with Mr Munawwar Nareem, Mr Chitranshul Sinha, Mr Rajdeep panda and Ms Sanjam Chawla, Advocates.

<u>AND</u>

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\+ **<u>OMP (ENF.) (COMM.) 97/2016</u>**

HASKONING DHV CONSULTING PVT. LTD. ..... Petitioner

Through Mr Arvind K. Nigam, Senior Advocate with Mr Munawwar Nareem, Mr Chitranshul Sinha, Mr Rajdeep panda and Ms Sanjam Chawla, Advocates.

versus

SREI INFRASTRUCTURE FINANCE LTD. ..... Respondent

Through Mr Abhimanyu Bhandari and Ms Gauri Rishi, Advocates.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

<u>O R D E R</u>

% **24.12.2016**

1. The learned counsel for the parties state that the parties have agreed to resolve their disputes in the following terms:-

i) That SREI Infrastructure Finance Ltd. (hereafter 'SREI') shall make a payment of a sum of ₹5,38,44,140/- to Haskoning DHV Consulting Pvt. Ltd. (hereafter 'DHV') within a period of two weeks from today.

ii) In addition to the above SREI shall also pay simple interest at the rate of 7% per annum on the sum of ₹5,38,44,140/- w.e.f. 11.04.2010 till the date of payment within a period of two weeks.

iii) In addition to the above, SREI shall also be liable to pay service tax, interest, penalty or any other charges levied by the service tax authorities on the aforesaid amount on DHV. The said amount shall be paid forthwith on DHV indicating such a demand(s) from the service tax authorities. The parties have expressly agreed that SREI shall pay this amount without demur or protest and without insisting that the amount be paid by DHV in the first instance;

iv) The amount of service tax, interest and penalty shall be paid directly by SREI on behalf of DHV to the service tax authorities.

2. It is further agreed that if the said terms and conditions are not complied with by SREI, the award passed by the arbitral tribunal shall

be fully enforceable and SREI waives all objections for enforcement of the said award.

3. DHV agrees not to institute any proceedings for execution of the award if the aforesaid conditions are complied with.

4. On payment of the amount as demanded by the Service Tax Authorities, SREI would have the right to pursue the matter with the Service Tax Authorities on behalf of DHV to seek a refund or waiver. DHV shall fully cooperate with SREI for the same. In the event SREI is successful in seeking a refund or any waiver, the same would inure to the benefit of SREI and DHV shall ensure that the amount is remitted to SREI immediately on receipt of the same.

5. The parties seek to withdraw the above petitions. The petitions are dismissed as withdrawn.

VIBHU BAKHRU, J

DECEMBER 24, 2016
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