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

+ **FAO(OS) 8/2013 and C.M.No.5982/2013**

E.T.I. PROJECTS LIMITED

..... Appellant

Through: Mr.Rajesh Gupta, Mr.Harpreet Singh
and Mr.Pranjal Saran, Advocates.

versus

STATE BANK OF INDIA

..... Respondent

Through: Mr.S.L.Gupta, Advocate.

CORAM:

HON'BLE MS. JUSTICE GITA MITTAL

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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14.03.2016

C.M.No.9406/2016

This application has been jointly filed by the parties under Order XXIII Rule 3 of the Code of Civil Procedure placing the terms of settlement arrived at between them in paragraph-5 of the application. A prayer is made for recording the terms of the settlement and disposing of the appeal and cross-objections in terms thereof.

The application is signed by Shri Krishan Kumar Mawai, Director and authorized signatory of the appellant. On behalf of the respondent/cross-objector, the application is signed by the Chief Manager (P & E) for the State Bank of India. Learned counsels for the parties identify the signatures of their respective clients.

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A letter dated 9th March, 2016 sent by Mr.A.K.Sharma, Asst. General Manager (P & E) of State Bank of India to ETI Projects Ltd., stating that the offer for settlement made by the appellant had been favourably considered by the appellant and reiterating the terms and conditions set out in paragraph-5 of the application, has been filed in original as Annexure P-1 to the application.

The settlement is in writing, appears to be bona fide, entered into without any force, pressure or undue influence and there is no legal impediment for taking the same on record and disposing of the appeal and cross-objections.

In view of the above, the settlement between the parties is accepted and taken on record. The parties shall be bound by the settlement. This application is allowed.

The respondent shall file a supporting affidavit to this application in the Registry within two days.

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We have today taken on record the settlement between the parties placed by way of CM No.9406/2016. The parties have also jointly prayed that the appeal and cross-objections be disposed of in terms thereof.

In view of the above, it is directed as follows:-

- (i) The appeal, cross-objections and all other pending applications are disposed of in terms of the settlement set out in para-5 of the application.
- (ii) The respondent shall pay a sum of Rs.61,53,000/- agreed to be paid at the earliest. On receipt of the said amount, all claims of the

appellant shall stand satisfied.

(iii) The cross-objections filed by the respondent are dismissed as withdrawn.

(iv) The impugned order dated 1st October, 2012 shall stand modified to the above extent.

A copy of this order be given *dasti* to the Parties.

GITA MITTAL, J

I.S.MEHTA, J

MARCH 14, 2016
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