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

+ O.M.P.(I) 383/2015

INTEC CAPITAL LIMITED Petitioner
Through Mr.Abhinav Mukhi, Adv.

versus

AGARWAL GRAPHICS PVT.LTD & ORS. Respondents
Through None.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% **23.02.2016**

I.A. No.2554/2016 (under Section 151 CPC, by petitioner for appointment of receiver)

The present petition has been disposed of on 5th January, 2016 when the following order was passed:-

“The lis of this petition has been settled between the parties through a Settlement Agreement dated 04.12.2015 courtesy the Delhi High Court Mediation and Conciliation Centre. The Settlement Agreement has been signed by the Authorised Representatives of the parties as well as their counsel. The learned counsel for the parties request that the petition be disposed off in terms of the Settlement Agreement; they assure the Court upon instructions, that the parties shall be bound by the terms of the agreement. The assurance is accepted. However, an extension of time is sought by the respondents for payment of the amount of Rs.44.75 lacs to the petitioner which was to have been paid by 31.12.2015. The learned counsel for the respondents submits that due to a demise in the family of the respondents, the same could not be paid, therefore the time may be extended till 31.01.2016.

With the consent of the parties, the date is extended till 31.01.2016 with the condition that should the said amount be not paid by the said date, a cost of Rs.50,000/- shall be paid by the respondents to the petitioner.

Consequently, Mr. Ashish Mehta, Regional Manager of the petitioner company shall be deemed to have been appointed as the Court Receiver for taking possession of the machinery mentioned in the Settlement Agreement which are as under. He shall be free to take possession of these properties in default of payment of the aforementioned amount of Rs.44.75 lacs by 31.01.2016:

- (a) Used Heidel Bezg Platter Machine with hot foil stamping & Single colour offset Machine.
- (b) Used 1989 Heidel Bezg offset Press Model from Printer's Part & Equipments.
- (c) Prima Heavy Duty Die Punching Machine, Donghai Beand Auto Slitting Machine.
- (d) HASTCU Q 2344A Printsel Senor – Slot, Polar 115 EMC Paper cutting Machine Pro Allied Sales Corp.

The petition stands disposed off in the above terms.”

The present application has been filed by the petitioner to appoint Mr.Feorz Vora the Collection Manager of Gujrat Region of the Petitioner Company, as Receiver in place of Mr. Ashish Mehta who was earlier appointed by this Court vide order date 5th January, 2016 to take the possession of the subject machineries. The respondents have also not paid the cost imposed by the said order as pointed out by the petitioner. Prayer of the application is allowed as no one has appeared on behalf of the respondents when the matter is taken up.

Copy of the order be given *Dasti*.

MANMOHAN SINGH, J.

FEBRUARY 23, 2016/vp