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

+ CM(M) 935/2017 & CM No.31265/2017 (for stay)

CNIL (CHENNAI NETWORK
INFRASTRUCTURE LTD)

..... Petitioner

Through: Mr. Rajiv Talwar, Mr. Swetank
Shantanu and Ms. A. Shivani, Advs.
with Mr. T.C. Sagar, AR of petitioner.

Versus

NAVEEN NAGPAL

..... Respondent

Through: Ms. Nupur Sachdeva with respondent
in person.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **27.09.2017**

1. This order is in continuation of the earlier order dated 25th September, 2017.
2. The counsel for the petitioner states that he has obtained instructions and the petitioner is willing to (i) withdraw the appeal preferred against the order of sealing and pending before the Appellate Tribunal, Municipal Corporation of Delhi (ATMCD); (ii) remove its tower from the terrace of property No.H-3/181, Vikas Puri, New Delhi; and, (iii) pay to the respondent arrears of licence fee @ Rs.21,000/- per month with effect from 1st February, 2015 till 30th September, 2017.

3. The counsel for the respondent is agreeable thereto and states that after the aforesaid, the respondent will not be left with any claim against the petitioner and the decree already passed for possession in favour of the respondent shall stand satisfied and the respondent shall withdraw the enquiry pending before the Additional District Judge (ADJ) (South-West), Pilot Court, Dwarka Courts, Delhi in CS No.368/2017 with respect to the *mesne* profits.
4. On further enquiry, it is informed that the action of sealing of the terrace was only on account of the tower and for no other reason and on removal of the tower, there will be no impediment to the South Delhi Municipal Corporation (SDMC) withdrawing the order of sealing.
5. The petition is disposed of with the following directions:
 - (A) The petitioner to, on or before 6th October, 2017, withdraw the appeal pending before the ATMCD;
 - (B) SDMC is directed to, on production of copy of this order by the petitioner, immediately temporarily de-seal the property to enable the petitioner to remove the antenna and any other infrastructure affixed on the terrace of the property aforesaid;
 - (C) The petitioner to so remove the said antenna and infrastructure on or before 10th October, 2017;
 - (D) The petitioner to, on or before 16th October, 2017, pay to the respondent arrears of licence fee aforesaid, less the statutory deductions and security deposit of Rs.45,000/-;
 - (E) The respondent to, immediately thereafter withdraw CS No.368/2017.

6. If SDMC, after so temporarily de-sealing the property for the purpose aforesaid has no other reason for sealing of the property, it shall recall the order of sealing.

7. Mr. T.C. Sagar, Assistant Registrar of the petitioner, on enquiry, states that nothing is due to SDMC on account of installation of the antenna aforesaid and no demand has been received from any authority in this respect.

8. The parties are ordered to be bound by their compromise aforesaid.

9. If there is any impediment in the aforesaid, liberty is granted to the parties to revive this petition.

No costs.

A copy of this order be given *dasti* under the signatures of the Court Master.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 27, 2017

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