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

+ LPA 18/2018

HIMANSHU PANDE

..... Appellant

Through: Mr.Kailash Vasudev, Sr. Advocate with Mr.S.K.
Das, Advocate.

versus

MANAGING COMMITTEE OF THE BANYAN TREE SCHOOL &
ORS Respondents

Through: Mr.Sandeep Mittal and Mr.Samrat Nigam,
Advocates for R-1 & 2.
Mrs.Avnish Ahlawat, Standing Counsel with
Mr.Nitesh Kumar Singh, Ms.Tania Ahlawat and
Ms.Palak Rohmetra, Advocates for R-3/DOE.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **08.10.2018**

CM No.41629/2018 (exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM No.41628/2018

This is an application seeking modification of the order dated 11.09.2018 and 12.09.2018.

Notice. Counsels for respondents accept notice. The prayer made in this application is not opposed. Accordingly, the following modifications are made in the order dated 11.09.2018 and 12.09.2018:-

(a) paragraph 18 of the order dated 11.09.2018 as wrongly typed as paragraph 16, would be read as:-

“18. With the above observations, the LPA is allowed”.

(b) In the order dated 12.09.2018, the parties pray that the following line be added in the paragraph no.3 on the first page of the order:-

“That the liability for payment of Income Tax on the

amount of Rs.20 lacs shall be borne by the appellant and the respondent management would not deduct any Income Tax on the settled amount”.

Paragraph 3 of the order dated 12.09.2018 would be read as:-

“3. Today the matter has been mentioned. It has been agreed that the respondent would pay a sum of Rs.20 lakhs in addition to the amount deposited with the provident fund department to the petitioner as a full and final settlement, which is acceptable to the appellant and that the liability for payment of Income Tax on the amount of Rs.20 lacs shall be borne by the appellant and the respondent management would not deduct any Income Tax on the settled amount”

(c) In the order dated 12.09.2018, the appellant prays that in the concluding paragraph the word ‘dismissed’ be substituted as ‘allowed’.

Concluding paragraph of the order dated 12.09.2018 be read as under:-

“Counsel for the parties submit that although the LPA is allowed, statement made today may be read as part of the order and the LPA be disposed of in terms of the settlement”

At this stage, Mr.Mittal, counsel for the respondent Nos.1 and 2, submits that Rs.18 lacs has been paid and the balance amount of Rs.2 lacs would be paid within three days.

The application stands disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

OCTOBER 08, 2018/afa/