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

+ **CO.APP. 8/2018 and CM No. 18232/2018**

PSA NITROGEN LIMITED

..... Appellant

Through: Mr. Vikas Aggarwal, Mr. Sujit Gupta,
Advocates with Mr. Karan, Advocate.

versus

NEERAJ BATRA

..... Respondent

Through : Mr. T.K. Tiwari, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **17.05.2018**

Counsel for the respondent is present and states that he has read the order dated 4th May, 2018. Counsel for the respondent states that cheque of Rs.13,23,057/- has been received from the appellant. Counsel for the respondent states on instructions that this payment could be treated as an interim payment made by the appellant in the civil suit CS(OS) No. 2747/2014, *Shri Neeraj Batra versus M/s. PSA Nitrogen Limited*, which is now transferred to the District Court, Saket. The said payment would abide by judgement and decree in the said suit. Counsel for the respondent states that this statement is being made without prejudice to the rights and contentions of the respondent. The respondent, it is stated, has also made a claim/prayer for interest including interest on Rs.13,23,057/- which claim/prayer would be examined by the Trial Court.

Counsel for the appellant, who has heard the statement made by the counsel for the respondent, states that statement is acceptable. The Trial Court could examine and go into the question of interest, if payable on Rs.13,23,057/-.

We would only clarify as is recorded in our order dated 4th May, 2018, that in case the Civil Suit filed by the respondent is dismissed, the Trial Court would have the power to direct restitution in terms of Section 114 of the Code of Civil Procedure, 1908.

Recording the aforesaid statement and our observations, the appeal is disposed of. No costs.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

MAY 17, 2018
MR