

OD-1

ORDER SHEET

CS/152/2017

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

BAHUBALI PROMOTERS PRIVATE LIMITED
Versus
SHYAM SEL & POWER LIMITED

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : February 19, 2021.

Appearance:
Mr. Dwip Raj Basu, Adv.
...Plaintiff

Mr. Manoj Kr. Tiwari, Adv.
...Defendant

The Court : Learned counsel appearing for the plaintiff and the defendant no. 2 submit that the parties have executed a Terms of Settlement dated 27th January, 2021, the original of which has been filed before the Appeal Court in FA No. 174 of 2016, FAT No. 568 of 2015 (Shyam Sel Limited Vs. Bahubali Promoters Private Limited & Anr.).

The advocate-on-record of the plaintiff seeks to withdraw the suit on the basis of the Terms of Settlement and places clause 11(e) which mentions that upon the plaintiff receiving possession of the specified office space, the plaintiff shall take immediate steps for disposal/

withdrawal of Civil Suit No. 152 of 2017. It is submitted that the plaintiff has already received possession of the office space as stated in clause 11(e) of the Terms.

Since the original of the Terms of Settlement is part of the records of the Appeal Court, a photocopy of the said Terms is kept on record. It is also submitted on behalf of the plaintiff that the defendant no.1 is not in existence any more.

In view of the parties settling their disputes by way of a Terms of Settlement, CS No. 152 of 2017 is dismissed as withdrawn.

(MOUSHUMI BHATTACHARYA, J.)

sg.