

22.03.2022  
SL No.1 wt 2  
Court No.8  
(gc)

**FMA 17 of 2021  
With  
CAN 1 of 2020  
(Old No: CAN 1801 of 2020)  
With  
CAN 2 of 2022**

**M/s. Indus Towers Ltd.  
Vs.  
Smt. Soma Mukherjee & Ors.**

**With**

**FMA 18 of 2021  
With  
CAN 1 of 2020  
(Old No: CAN 1800 of 2020)  
With  
CAN 2 of 2022**

**M/s. Indus Towers Ltd.  
Vs.  
Smt. Soma Mukherjee & Ors.**

**(Via Video Conference)**

Mr. Rajesh Upadhyay,  
....for the Appellant.  
Mr. Prosenjit Mukherjee,  
...for the Respondent.

By consent of the parties, both the appeals and the applications are taken up together and disposed of by this common order.

During the pendency of both the appeals, good sense prevailed amongst the parties and they have agreed to settle their disputes. Both the applications being CAN 2 of 2022 in FMA 17 of 2021 and CAN 2 of 2022 in FMA 18 of 2021 have been filed for recording the compromise arrived at between the parties during the pendency of the appeals. The Photostat copy of the

terms of settlement is annexure “A” to the petitions. In view of the fact that the parties have agreed to settle their disputes by entering into an agreement in conformity with Order XXIII Rule 3 of the Code of Civil Procedure, the applications for recording compromise are allowed.

There shall be an order in terms of prayers (a) and (b) of the petitions of CAN 2 of 2022 in FMA 17 of 2021 and CAN 2 of 2022 in FMA 18 of 2021.

Accordingly, the applications being CAN 2 of 2022 in FMA 17 of 2021 and CAN 2 of 2022 in FMA 18 of 2021 are disposed of.

The impugned orders dated 20<sup>th</sup> November, 2019 passed in FMA 17 of 2021 and 23<sup>rd</sup> December, 2019 passed in FMA 18 of 2021 are set aside.

The appeal being FMA 17 of 2021 along with the application for stay being CAN 1 of 2020 (Old No: CAN 1801 of 2020) and the appeal being FMA 18 of 2021 along with the application for stay being CAN 1 of 2020 (Old No: CAN 1800 of 2020) stand disposed of.

The department is directed to draw up the decree as expeditiously as possible on the basis of the terms of settlement.

The original terms of settlement duly signed by the parties shall be filed in the department concerned in course of this week and thereafter the decree shall be drawn up.

Leave is given to put in the date in clause (d) at page 17 of the petitions to be countersigned by the learned advocates of the parties.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

**(Ajoy Kumar Mukherjee, J.)**

**(Soumen Sen, J.)**