

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO.3 OF 2019
IN
COMPANY APPEAL NO.25 OF 2009
IN
COMPANY APPLICATION NO.657 OF 2008
IN
COMPANY PETITION NO.28 OF 2005**

Subhash Lodha and Anr.	...	Applicants
and		
Manikchand Promoters & Developers Pvt. Ltd.		
and Ors.	...	Appellants
<i>versus</i>		
Subhash Lodha and Ors.	...	Respondents

WITH
CONTEMPT PETITION (L) NO.13 OF 2019
WITH
CONTEMPT PETITION NO.5 OF 2019
WITH
INTERIM APPLICATION NO.108 OF 2019

Mr. Navroz Seervai, Senior Advocate with Ms. Nidhi Singh i/by Vidhii Partners, for Appellants.

Mr. Samsher Garud with Ms. Juhi Valia i/by Jayakar and Partners, for Respondent nos.1 and 3 in CAA 3 of 2019, for Respondent Nos.1 and 3 in CNPCPL 13 of 2019, CNPCP No.5 of 2019 and for Respondent No.3 in IA 108 of 2019.

Mr. Vishal Shriyan with Ms. Nishi Doshi for Respondent No.4 in CAA 3 of 2019.

Mr. Subhash Hastimal Lodha with Mrs. Sulbha Subhash Lodha, Applicants present through VC.

Mr. Prakash R. Dhariwal, Respondent No.3 and Mr. Rajeev Bodas, Respondent No.4 present through VC.

CORAM: N.J.JAMADAR, J.

DATE: 8th SEPTEMBER, 2022

P.C.:

1. Heard the learned Counsel for the parties.
2. The learned Counsel submit that the parties have amicably resolved the disputes and the consent terms have been executed. The learned Counsel tender the Consent Terms.
3. Mr. Subhash Lodha and Mrs. Sulbha Lodha – Applicants, Mr. Prakash R. Dhariwal – Respondent No.3, who represents Respondent No.1 as well, and Mr. Rajeev Bodas – Respondent No.4, have appeared before the court through video conferencing.
4. The Applicants, Respondent Nos.1, 3 and 4 admit the execution of the consent terms and the contents thereof. Upon being enquired, the Applicants and Respondent Nos.3 and 4 submit that they have executed the consent terms voluntarily and there is no coercion or duress. The parties are identified by their respective Advocates, who have also signed the Consent Terms.
5. The Consent Terms appear to have been executed by the parties out of free will. It does not appear that there is any coercion or duress. The parties seem to have worked out a comprehensive settlement and resolved the dispute in all its facets.
6. The Consent Terms are, thus, taken on record and marked ‘X’.
7. The above Company Application along with Contempt Petitions (L) No.13 of 2019, 5 of 2019 and Interim Application No.108 of 2019 accordingly stand

disposed in accordance with the Consent Terms, 'X'.

8. There shall be no order as to costs.
9. The parties further agree that an amount of Rs.20 Crores deposited by the Respondents with the Prothonotary and Senior Master of this Court be refunded with interest, if any, accrued thereon, to the Respondent No.3.
10. Ordered accordingly.
11. The Bank guarantee furnished by the Respondents stands discharged.
12. Liberty to the parties to approach this Court.

(N.J.JAMADAR, J.)