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

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Date of decision: 08.02.2022+ **FAO (COMM) 21/2022****M/S OM FOODS PRODUCTS**

..... Appellant

Through: Mr Rajat Aneja with Mr Abhishek Kumar and Ms Sagrika Wadhwa, Advocates.

versus

M/S HANS HERBAL

..... Respondent

Through: Mr Ayush Negi, Advocate.

CORAM:**HON'BLE MR JUSTICE RAJIV SHAKDHER****HON'BLE MR JUSTICE TALWANT SINGH****[Court hearing convened *via* video-conferencing on account of COVID-19]****RAJIV SHAKDHER, J.(ORAL):-****CM APPL. 5162/2022**

1. Allowed, subject to just exceptions.

FAO (COMM) 21/2022

2. We have heard the learned counsel for the parties.

3. Both, Mr Rajat Aneja, on instructions of Mr Abhishek Kumar i.e., counsel-on-record for the appellant, who in turn has taken instructions from the authorised representative (in short "AR") of the appellant, one Mr Deepak Sharma, President of the appellant i.e., M/s Om Food Products, and Mr Ayush Negi, counsel for the respondent, who has, likewise, taken instructions from Mr Bharat Bhushan Allahabadi, Proprietor of the respondent i.e., M/s Hans Herbal, are agreed that the appeal be disposed of with the direction that the appellant will pay a lump sum amount of



Rs.26,62,000/- (inclusive of interest) to the respondent, towards a full and final satisfaction of the awarded amount, albeit in the following manner:-

- (i) Rs.5,00,000/- will be paid within ten days from today.
- (ii) The balance amount i.e., Rs.21,62,000/- will be paid in three equal instalments, over a span of six months :-

(a) The first instalment will be paid on or before 07.04.2022.

(b) The second instalment will be paid on or before 07.06.2022.

(c) The last and final instalment will be paid on or before 07.08.2022

3A. In the event the appellant fails to make the payments, as stipulated hereinabove, the respondent will be free to execute the award, after giving credit for the amount, if any, paid by the appellant.

4. Counsels for the parties will file respective affidavit(s) of the AR(s) of the appellant and respondent, in which affiants will undertake to the Court to abide by the aforementioned terms and conditions, based on which the appeal has been disposed of.

4.1. The affidavits will be filed, within the next two weeks. Counsels for the parties will exchange copies of the said affidavits, filed on behalf of their respective clients.

5. The Registry will follow up and ensure that the aforementioned affidavits are filed, within the timeframe given above.

(RAJIV SHAKDHER)
JUDGE

(TALWANT SINGH)
JUDGE

FEBRUARY 08, 2022/tr

Click here to check corrigendum, if any