



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 340 OF 2015

Kaygee Engineering Pvt. Ltd.

.. Petitioner

Versus

Chandrakant Benjamin Nirmal and Anr.

.. Respondents

-
- Mr. Kiran Bapat, Senior Advocate a/w. Mr. Gaurav Gawande i/by M/s. Desai & Desai Associates for Petitioner.
 - Mr. Avinash R. Belge i/by Mr. Nitin Kulkarni, Advocate for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 25, 2023.

P.C.:

1. Not on Board. Mentioned. Taken on Board.
2. Heard Mr. Bapat, learned Senior Advocate for Petitioner and Mr. Belge, learned Advocate for Respondent.
3. Parties have reconciled their disputes and amicably settled the issues between them and filed Consent Terms dated 25.09.2023 which are taken on record and marked “X” for identification. They are executed by Advocate for Respondent and by Petitioner and Respondent. They are signed by Petitioner; Respondent and Advocate for Respondent. They confirm execution of the Consent Terms.

4. Consent Terms are running into 2 pages. For the purpose of convenience, Consent Terms are scanned and reproduced below for reference:-

"X" *[Signature]* 25/3/23

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 340 OF 2015

Kaygee Engineering Pvt. Ltd.Petitioner

V/s.

Chandrakant Benjamin NirmalRespondent

CONSENT TERMS

I. The parties herein have amicably settled the dispute on the following terms:-

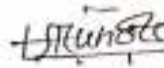
(A) The Petitioner herein agrees and undertakes to this Hon'ble Court to pay a sum of Rs.2,65,000/- only (Rs. Two Lakh Sixty Five Thousand only) towards full and final settlement of all the claims of the Respondent.

(B) The aforesaid amount of Rs.2,65,000/- (Rs. Two Lakh Sixty Five Thousand only) would be paid over to the Respondent within two weeks of filing and acceptance of these consent terms before the Hon'ble Court.

(C) The said amount shall be spread over for the purpose of Income tax.

- (D) In consideration of the amount specified in clause A herein above, the impugned judgement and award passed by the Labour Court, Pune in Reference (IDA) 40 of 1999 shall stand quashed and set aside and said Reference (IDA) No. 40 of 1999 shall stand dismissed.
- (E) The Respondent declares that he has got no claim of what so ever nature against the Petitioner and all his claims including the claim of reinstatement, continuity of service, back wages, gratuity etc. stands fully satisfied upon the payment of aforesaid amount mentioned in clause (A).
- (F) The Petitioner shall be entitled to withdraw the amount deposited in this Hon'ble Court as per the order dated 27.09.2016 27.09 with accrued interest thereon.
- (G) Mumbai dated this 25 day of Jan 2023.

Advocate for Petitioner



Petitioner

Advocate for Respondent



Respondent

5. The obligations and undertakings given in the Consent Terms are accepted as undertaking given to this Court.

6. Petitioner – Company undertakes to pay the amount of Rs.2,65,000/- towards full and final settlement as stated in Clause (B) of the Consent Terms within a period of two weeks from today.

7. Petitioner – Company is directed to do so without requesting for any further extension of time.

8. Mr. Bapat would next submit and seek directions in terms of clause (F) of the Consent Terms to permit Petitioner to withdraw the amount which was deposited by the Petitioner at the time of admission of the Petition in the year 2015 in the account of the present Writ Petition. Petitioner is permitted to withdraw the monies which was deposited by the Petitioner – Company in compliance of order dated 27.09.2016 alongwith all accrued interest on complying with paragraph No.6 above. Necessary Application is permitted to be made by Petitioner's Advocate alongwith copy of this order and proof of receipt of having paid the amount of Rs.2,65,000/- to the legal heirs of the deceased Respondent as per the Consent Terms.

9. Once the above is submitted, the Registrar (Appellate Side) of this Court is directed to release the amount alongwith all accrued interest thereon in favour of Petitioner within a period of two weeks positively from the date of receipt of the Application.

10. Order is passed in terms of the Consent Terms.

11. In view of the above, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

Ajay