

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CWP-12943-2021 (O&M)
Date of decision: 11.01.2023**

ANH TECHNOLOGIES PVT. LTD. AND OTHERSPetitioners

VERSUS

STATE OF HARYANA AND OTHERSRespondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Akshay Bhan, Senior Advocate with
Mr. Amitabh Tiwari, Advocate &
Mr. Sushant Kareer, Advocate
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

None for respondent No.3.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed raising a challenge to the order dated 31.05.2021 (Annexure P-1) vide which the respondent No.2-Committee formed under Section 6 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 has given recommendation to the extent that respondent No.3-Harsha Sachdev be reinstated in her last position and her directorship be restored and that in the event she does not wish to continue with the same, she receives a fair value of a share and has also additionally directed all investors to attend the training session on Prevention of Sexual Harassment (POSH).

Notice of motion was issued in this case on 22.07.2021 after noticing the respective contentions of the parties and also in the presence of the counsel for Caveator and respondent No.3. Recommendations of the Local Committee in the impugned order dated 31.05.2021 in respect to the investors and the Board members as well as the recommendations regarding reinstatement of respondent No.3 as Director were ordered to remain stayed till the next date of hearing, without prejudice to the rights of the parties in any other proceedings.

A Civil Miscellaneous Application No. 8112 of 2022 had been filed under Section 151 of the Code of Civil Procedure for seeking disposal of the Civil Writ petition no. 12943 of 2021 in light of the settlement between the parties dated 16.11.2021 (Annexure A-1) and the arbitral award dated 21.12.2021 (Annexure A-2) passed on the basis thereof. Notice of the aforesaid application was issued to respondent No.3 as well. The Registry of this Court was also directed to inform the counsel appearing on behalf of respondent No.3 about the next date of hearing. The matter was thereafter taken up on 16.09.2022 wherein it was reported by the office that intimation had been duly sent to the counsel for respondent No.3. However, there was no representation on behalf of the said respondent even on the said date. In the interest of justice, the case was thereafter adjourned to be taken up on today. There is no representation on behalf of respondent No.3 today as well to admit or to controvert the settlement between the parties dated 16.11.2021 (Annexure A-1) and/the subsequent arbitral award dated 21.12.2021 (Annexure A-2) passed by the sole arbitrator.

Taking into consideration that the application and averments contained therein have remain uncontroverted and that the respondent No.3

is a signatory to the aforesaid settlement amongst the parties executed on 16.11.2021 and in the scope of the agreement, the pendency of the writ petition has been specifically referred to and it has been agreed that the respondent No.3 and her counsel shall not object to disposal of the writ petition in terms of the present settlement. Further, as per the representation of respondent No.3-Harsha and in Clause 4 of the aforesaid settlement, it has been represented that she does not have any interest left whatsoever in the company after the execution of the present agreement including company affairs for intellectual property and will not undertake an activity that directly or indirectly has the effect of interference in the affairs of the company. Further, assurance has also been recorded that the parties shall cooperate with each other for and in connection with exercising and enforcing the terms of the present agreement. The aforesaid agreement constitutes a comprehensive settlement between the complainant Harsha as well as the petitioner company and various other Directors excluding the accused-aggressor Anshul Kochar.

The aforesaid settlement was thereafter reduced into an award dated 21.12.2021 and the said award has already attained finality between the parties.

Taking into consideration the said circumstances noticed above and the fact that respondent No.3 has chosen not to appear in the present proceedings despite repeated opportunities, this Court is left with no option but to assume that the settlement amongst the parties has been arrived to their full accord and satisfaction and without any undue coercion or pressure.

Accordingly, the present petition is disposed of in terms of the

settlement and agreement dated 16.11.2021 executed between the parties and appended alongwith as (Annexure A-1) with the Civil Miscellaneous Application No. 8112 of 2021. Consequently, the directions as contained in the impugned order dated 31.05.2021 shall stand substituted with the terms of the settlement as accorded between the parties ought of their free will & accord.

The present petition is accordingly disposed of in terms as aforesaid.

All the pending miscellaneous applications, if any, are also disposed of.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 11, 2023

Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No