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

+ **CS(COMM) 834/2022 & I.A. 8696/2023**

GEA REFRIGERATION NETHERLANDS NV & ANR.

..... Plaintiffs

Through: Mr. Peeyoosh Kalra and Mr.
Rohit Rangi, Advs.

versus

METALEX CRYOGENICS LIMITED & ANR.

..... Defendants

Through: Mr. Dinesh Jotwani and Mr.
Jitesh P. Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER (O R A L)

04.05.2023

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1. The dispute between the parties stand settled and a joint application under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 (CPC) has been filed, along with the copy of the settlement agreement dated 13th April 2023.

2. The terms of settlement read thus:

“1. That, Metalex and Ahuja hereby, individually and collectively, acknowledge the validity, enforceability of the GEA Patent and the exclusive rights that have been conferred upon GEA by virtue of the provisions of the Patents Act, 1970;

2. That, Metalex undertake not to challenge the validity or enforceability of the GEA Patent before any competent Court, Tribunal or Authority;

3. Metalex hereby undertake and shall cause their affiliates, directors, employees, officers, servants, agents, assignees and all others acting for and on behalf of Metalex and/or Ahuja to hereby undertake, not to directly or indirectly use a product and/or adopt

any process to arrive at a product, that infringes or would contribute to the infringement of the invention claimed in the GEA Patent, during the term within which the GEA Patent is valid and subsisting;

4. Subject to the covenants and undertakings provided in paragraphs 1-3, GEA releases Metalex and Ahuja, its related entities, its predecessors, successors, and any of its current directors, officers, representatives, employees, agents, dealers, distributors, and customers from any and all of GEA' s claims, causes of action, demands, damages, costs, attorneys' fees, or other expenses of any kind that accrued prior to the Effective Date arising out of the 'GEA Patent' relative to the Metal ex products.

5. Metalex and Ahuja release GEA, their related entities, predecessors, successors, any of their parent or subsidiary companies, and any of their respective directors, officers, representatives, employees, agents, dealers, distributors, and customers from any and all claims, causes of action, demands, damages, costs, attorneys' fees, or other expenses of any kind that Metalex and Ahuja have raised or could have raised, whether known or unknown arising out of GEA Patent relative to the Metalex products. This release expressly includes and extends to, without limitation, any claims based on alleged antitrust violations, patent misuse, or unfair trade practices by GEA related to GEA patent.

6. That, once the Settlement Agreement is executed, the Parties shall make an appropriate joint application seeking decree in the present law suit CS (COMM) No. 834/2022 filed before the Delhi High Court in terms of the present settlement terms.

3. Mr. Peeyoosh Kalra, learned Counsel for the plaintiffs and Mr. Dinesh Jotwani, learned Counsel for the defendants are present and they undertake on behalf of their respective clients to abide by the terms of settlement.

4. This Court has perused the terms of settlement and find them to be lawful and in order.

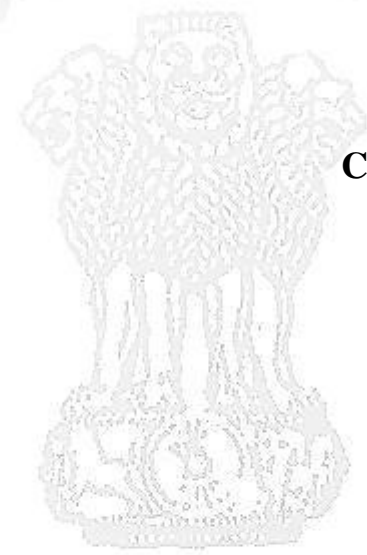
5. As such, nothing survives for adjudication in the suit.

6. The suit stands decreed in terms of the aforesaid settlement agreement dated 13th April 2023.
7. The next date before learned Joint Registrar (Judicial), i.e. 19th May 2023 stands cancelled.
8. Let a decree sheet be drawn up accordingly.
9. The plaintiff would be entitled to refund of Court fess, if any, deposited by it.

C.HARI SHANKAR, J

MAY 4, 2023

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