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

+ **CS(COMM) 991/2024 & I.A. 44513/2024, I.A. 44514/2024, I.A. 44516/2024. I.A. 44517/2024. I.A. 11875/2025**

ATUL DUA

.....Plaintiff

Through: **Ms. Gayatri Verma and Mr. Abhishek,
Advocates**

versus

NKJ BIOFUEL PVT LTD & ANR.

.....Defendants

Through: **Mr. Kotla Harshwardhan, Mr. Anmol Gupta,
Mr. Dinesh Kedia, Advocates
With AR of defendants in person**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 09.05.2025

CS(COMM) 991/2024

**I.A. 11875/2025(joint application by the parties under Order XXIII Rule 3
CPC placing on record the settlement agreement dated 04.03.2025)**

1. This is an application under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 ('CPC'), filed by the parties, seeking passing of a decree in terms of the settlement agreement dated 04.03.2025 ('Settlement Agreement') executed between the parties.
2. Parties have entered into a settlement agreement dated 04.03.2025 before Delhi High Court Mediation and Conciliation Centre.
3. Plaintiff's son, Mr. Soham Dua is present in Court and is duly identified by the plaintiff's counsel.
4. Mr. Dinesh Kedia, the authorized representative of defendants is

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present in Court and is duly identified by the defendant's counsel.

5. Parties' state that all obligations as per the Settlement Agreement have been performed. It is stated that all payments receivable by the plaintiff stands received. The TDS amount stands deposited by the defendant and the defendants have applied for cancellation of the GST registration from the demised premises, as per clause 9.

6. Parties therefore state that the Settlement Agreement stands duly performed and pray for a decree in terms of Order XXIII Rule 3 CPC.

7. This Court has interacted with the parties. The parties have confirmed that there are no further obligations pending inter-se the parties.

8. The Supreme Court in **Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd.**¹ while dealing with the Section 89 CPC has observed that a settlement agreement executed through the process of mediation is to be placed before the Court for recording it and disposing of the suit in its terms; and while dealing with the settlement the Court should apply the provision of Order XXIII Rule 3 CPC and make a decree in terms of the settlement in regard to the subject matter of the suit, to make such settlement effective.

9. This Court is satisfied with the compromise between the parties contained in the aforesaid Settlement Agreement dated 04.03.2025 and is of the opinion that it satisfies the requirements of Order XXIII Rule 3 CPC. The settlement arrived between the parties is lawful and this Court does not find any impediment in decreeing the captioned suit in terms of the said agreement. The settlement agreement is marked as **Exhibit C-1**.

¹ 2010 8 SCC 24.



10. The registry is directed to prepare a decree sheet in terms thereof.
11. Keeping in view that the parties have arrived at a settlement through mediation and in terms of Section 16 of the Court Fees Act, 1870 read with Section 89 CPC, the Registry is directed to refund the 100% Court fees to the plaintiff in accordance with the Rules. The registry is directed to issue a refund certificate in the name of the plaintiff within four (4) weeks.
12. All future dates stand cancelled.
13. Pending applications stands disposed of.
14. Learned counsel for the plaintiff states that the plaintiff has undertaken to withdraw the proceedings under Section 138 of the Negotiable Instrument Act, 1881 and the same will be withdrawn on or before the next date of hearing before the criminal court.
15. It is directed that in case the plaintiff fails to appear before the said Court, the defendant will be at liberty to place the decree before the Court to seek the withdrawal.

MAY 9, 2025/mt/MG

MANMEET PRITAM SINGH ARORA, J

[Click here to check corrigendum, if any](#)

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