

09.

IN THE HIGH COURT OF DELHI AT NEW DELHI
WP(C)No.3099/2007.

DAT INFORMATICS PVT. LTD. PETITIONER
Through : Mr. Biswajit Singh, Adv.

Versus

UNION OF INDIA & ORS. RESPONDENTS
Through : Ms. Geetanjali Mohan and Mr. K.K.
Verma, Adv.

CORAM:
HON'BLE MR. JUSTICE G.S. SISTANI

ORDER
18.09.2008
+ WP(C)No.3099/2007.
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1. Aggrieved by the office letter dated 13.02.2007 whereby the respondents had issued a communication to the entire Railways at the Division Level to recover the amount of Rs.9,57,031/- as risk and cost from the bill of petitioner-company from other contract works with Railways, the present petition was filed. During the pendency of the writ petition, following orders was passed on 21.05.2008.

"In the meanwhile, the letter dated 13.02.2007 issued to all officials of the Railways for recovery of Rs.9,57,032/- from the petitioner's on-going works, shall be kept in abeyance subject to the petitioner giving a bank guarantee of 50% of the said amount in favour of the Divisional Railway Manager, Moradabad, U.P. within two weeks."

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2. Learned counsel for the respondents submits that the Arbitration Clause had already been invoked and parties are bound by the Arbitration Agreement, which has been entered into between the parties.
3. Learned counsel for the parties submits that the present writ petition may be disposed of in terms of the orders passed on 21.5.2005, subject to the petitioner keeping the bank guarantee alive till the disposal of the arbitration proceedings or subject to further orders which may be passed by the arbitrator.
4. Taking into consideration the stand of counsel for the parties the present petition is disposed of with the following directions:-
 - a) Order dated 21.05.2007 is confirmed and made absolute.
 - b) Petitioner shall keep the bank guarantee alive till the disposal of the arbitration proceedings or till further orders passed by the Arbitrator.
 - c) Parties shall be bound by the statement made in Court today.
5. In terms of the directions passed above, petition stands disposed of. No order, as to costs.

September 18, 2008
'msr'


G.S. SISTANI, J.

fresh CM 10201/11 - U/s 151. - for
renewal of Bank Guarantee

- Del. Dusg

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

+ W.P.(C) 3099/2007

DAT INFORMATICS P.LTD.

..... Petitioner

Through: None.

Versus

UOI & ORS.

..... Respondents

Through: Ms. Geetanjali Mohan, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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19.07.2011

CM No.10201/2011 (of the respondent for renewal of Bank Guarantee)

1. The respondent applicant seeks a direction to the petitioner to renew the Bank Guarantee.
2. The writ petition was disposed of in view of the arbitration proceedings having commenced and with a direction that the petitioner shall keep the Bank Guarantee furnished in terms of the earlier interim orders in the writ petition alive till the disposal of the arbitration proceedings or till further orders passed by the arbitrator.
3. It is the contention of the respondent applicant that the arbitration proceedings are still on.
4. It is felt that the Arbitral Tribunal would be appropriate fora for considering the application and direction for renewal of Bank Guarantee.
5. The application is therefore disposed of with liberty to the respondent applicant to approach the Arbitral Tribunal for the same relief.

JULY 19, 2011/'gsr'

RAJIV SAHAI ENDLAW, J