

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.5955/2014

M/s. PCR. BHLA and FCIL, Joint Venture Firm Vs. Western Coalfields Ltd. Nagpur
and others.

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

Shri S.N. Tapadia, Advocate holding for Shri Bhangde,
Advocate for the petitioner.

Shri M. Anilkumar, Advocate for the respondent no.1,
2 & 5.

Shri A.A. Gupta, Advocate for the respondent no.4.

CORAM: SMT. VASANTI A. NAIK &

A.M. BADAR , JJ.

DATED: MARCH 19, 2015.

Heard.

By this petition, the petitioner has challenged the action of the respondent no.2-General Manager, Western Coalfields Limited of invoking the bank guarantee vide letter dated 9.11.2014.

It appears that by an order dated 10.11.2014, after hearing the petitioner, this Court had restrained the respondent nos.3 to 5 from encashing the bank guarantees and making the payment in pursuance of the impugned communication to the respondent nos.1 and 2 till the next date of hearing.

It is the case of the petitioner that despite the service of the order dated 10.11.2014 on all the respondents, some of the bank guarantees were encashed.

It appears on hearing the learned counsel for the parties and on a perusal of the subsequent orders of the Court that the respondent nos.1 and 2 were directed to re-deposit the amount received by them by the encashment of the bank guarantees after 10.11.2014. The learned counsel for the respondent nos.1, 2 and 5 tenders an unconditional apology on behalf of the respondent nos. 1, 2 and 5 for having encashed the bank guarantees.

In the aforesaid set of facts, since the bank guarantees are not being encashed in view of the judgment dated 22nd January, 2015 in Writ Petition No.6400/2014, the purpose of filing of this writ petition stands served and it is, therefore, not necessary to prosecute the writ petition any further.

In view of the aforesaid, the writ petition is disposed of with no order as to costs.

JUDGE

JUDGE