

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WA.No. 44 of 2015 () IN WP(C).18533/2014

AGAINST THE JUDGMENT IN WP(C) 18533/2014 of HIGH COURT OF KERALA
DATED 24-09-2014

APPELLANT(S)/RESPONDENTS 1 & 2 IN THE WRIT PETITION 18533/2014 :-

1. BARATH SANCHAR NIGAM LTD [A GOVT. OF INDIA ENTERPRISES]
BSNL MOBILE SERVICES, RTTC CAMPUS
THIRUVANANTHAPURAM-695040
REPRESENTED BY THE GENERAL MANAGER.
2. THE DEPUTY GENERAL MANAGER
[NP & DI, OFFICE OF THE GENERAL MANAGER [NWP-CM]
BHARAT SANCHAR NIGAM LIMITED
THIRUVANANTHAPURAM-695040.

BY ADV. SRI.P.J.PHILIP

RESPONDENT(S)/PETITIONER & 3RD RESPONDENT :-

1. HRJ REFRIGERATION PVT LTD
XL/1454 TERRESA LANE, CONVENT JUNCTION, MARKET ROAD
ERNAKULAM-682011 REPRESENTED BY MANAGING
DIRECTOR T.R.HARIHARAN.
2. INDIAN OVERSEAS BANK
ERNAKULAM BRANCH, THEKKEKARA MANSIONS
OPP.KAVITHA THEATRE, M.G.ROAD, ERNAKULAM
REPRESENTED BY THE CHIEF MANAGER.

R1 BY ADV. SRI.BIJU .C. ABRAHAM
SRI.P.P.RAJESH
BY ADV.SRI.LEO GEORGE

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 11-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, Ag. C.J &
A.M. SHAFFIQUE, J.**

W.A. No.44 of 2015

Dated this the 11th day of February 2015

J U D G M E N T

Ashok Bhushan, Ag.CJ

Heard the learned counsel for the appellants and the learned counsel for the respondents.

2. This writ appeal has been filed against the judgment dated 24.9.2014 passed by the learned Single Judge in W.P.(C) No.18533 of 2014 filed by the first respondent, in which writ petition, an order was passed setting aside Exts.P4 and P4(a), by which, the appellants have invoked the forfeiture of the bank guarantee given by the first respondent.

3. Learned counsel for the appellants, at the very outset submitted that the period of bank guarantee had already expired on 2.8.2014 and which was informed by the bank. Hence, for all practical purposes, the writ petition as well as the writ appeal have become infructuous. It is submitted that the bank has already released the bank guarantee in favour of the first respondent in the writ petition.

In the above view of the matter, we are of the view that

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the writ appeal has become infructuous, which is accordingly dismissed as infructuous. This, however, shall not preclude the appellants to take such other measures, which are conferred under the law.

With this observation, this Writ Appeal is dismissed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

//TRUE COPY//

P.A. TO JUDGE