

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

WP(C).No. 14103 of 2015 (K)

PETITIONER :

**M/S.AERO MARINE SERVICES,
APEEJAY SURRENDRA HOUSE, 4B, 4TH FLOOR, 24,
BARODA STREET, MUMBAI-400 009,
REPRESENTED BY ITS PARTNER, RAMESH KAMDAR.**

**BY ADVS.SRI.N.MURALEEDHARAN NAIR
SRI.V.K.SHAMUSUDHEEN**

RESPONDENT :

**THE COMMERCIAL TAX INSPECTOR,
COMMERCIAL TAX CHECKPOST, WALAYAR - 678 624.**

BY SR GOVERNMENT PLEADER SRI.MOHAMMED SHAFI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 14103 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - TRUE COPY OF THE LETTER ALONG WITH PURCHASE ORDER DATED 11.12.2014
- EXT.P2 - TRUE COPY OF THE INSPECTION NOTE DATED 04.02.2015
- EXT.P3 - TRUE COPY OF THE LETTER DATED 04.02.2015
- EXT.P4 - TRUE COPY OF THE DELIVERY CHALLAN NO.AMS/(B-352)2015 DATED 06.02.2015
- EXT.P5 - TRUE COPY OF THE NOTICE NO.OR/4753/9/14-15 DATED 12.02.2015
- EXT.P6 - TRUE COPY OF THE JUDGMENT IN W.P(C)NO.8302 OF 2015 DATED 17.03.2015
- EXT.P7 - TRUE COPY OF THE BANK GUARANTEE ISSUED BY THE STATE BANK OF INDIA, MUMBAI
- EXT.P8 - TRUE COPY OF THE LETTER DATED 08.04.2015

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A. MUHAMED MUSTAQUE, J.

W.P.(C) No.14103 of 2015

Dated this the 12th day of May, 2015

JUDGMENT

This Court, by judgment produced as Ext.P6, directed the respondent to release the goods and the vehicle to the petitioner on furnishing a bank guarantee for the entire security deposit amount demanded by the respondent. Petitioner approached this Court on account of non-acceptance of the bank guarantee executed from the bank outside the State.

2. I am of the view if bank guarantee is otherwise valid, merely because bank guarantee is executed by a bank outside the State, the respondent cannot refuse to release the goods and the vehicle. Therefore, there shall be a direction to the respondent to release the goods and the vehicle based on the bank guarantee furnished by the petitioner if it is otherwise in order forthwith.

The Writ Petition is disposed of.

**A. MUHAMED MUSTAQUE,
JUDGE**