

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

W.A.No.833 OF 2015

PC: *(Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)*

This writ appeal is directed against the order dated 20.08.2015 passed in W.P.No.23590 of 2015 whereby the writ petition filed by appellant has been dismissed, upholding the contention of the respondents that the writ petition was not maintainable.

In the writ petition, the appellant sought Mandamus directing the 1st respondent to desist from terminating the contract agreement dated 04.08.2010 and to declare their action to invoke bank guarantees, as illegal, inequitable and against the principles of natural justice and consequently restore the bank guarantees.

We are informed by the learned counsel for the parties that after the impugned order (20.08.2015), the 1st respondent terminated the contract agreement dated 04.08.2010. It is not in dispute that the appellant has challenged the termination by way of a writ petition bearing W.P.No.27611 of 2015 and it is pending before the appropriate bench.

Keeping that in view, in our opinion, no reliefs as prayed for in the instant proceedings can be granted. Hence, we dispose of this writ appeal as rendered infructuous, keeping all contentions on merits open to be raised before appropriate forum, including in W.P.No.27611 of 2015, if it is entertained on merits. Insofar as the bank guarantees are concerned, it is open to the appellant to seek appropriate relief, if the termination of the contract agreement dated 04.08.2010 is set aside on merits.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

ACJ

DILIP B. BHOSALE,

S.V.BHATT,

J
Date: 01.09.2015
Stp/Lrkm