

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.18889 of 2015

BETWEEN

Alfa Security & Allied Services.

... PETITIONER

AND

Union Government of India, Ministry of Micro, Small and Medium
Enterprises, Rep. by its Director, Udyog Bhawan, New Delhi and others.

...RESPONDENTS

Counsel for the Petitioner: M/s. G. L. NARASIMHA RAO

**Counsel for the Respondents: MR. B. NARAYANA REDDY
(ASST. SOLICITOR GENERAL)**

The Court made the following:

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ORDER:

This writ petition is a classic instance of the abuse of the process of

the Court. The writ petitioner had earlier filed WP.No.24422 of 2014, which was dismissed on 17.03.2015. In the said writ petition, petitioner had questioned the invocation of bank guarantee by the Indian Government Mint, second respondent herein, on the self same grounds, which are urged in this writ petition.

2. It is stated in para 13 of the affidavit that the earlier writ petition was dismissed by this Court by coming to a 'wrong conclusion'. Such expression used by the petitioner is by itself contemptuous, as, if he is not satisfied with the order of this Court,

he could have appealed against the said order within the time instead the petitioner chose to file the present writ petition by seeking a slightly different relief i.e. to direct the first respondent to direct the second respondent to follow the guidelines issued by the first respondent dated 08.03.2011, but the ultimate relief sought for is for release of the bank guarantee from the second respondent.

3. The guidelines relied upon by the petitioner may have application, at the time, before entering into the contract but in this case, the petitioner entered into the contract and has given bank guarantee and after committing default, when the said guarantee is invoked, the present argument is put forward. It is, therefore, clear that the petitioner seeks to challenge invocation of bank guarantee, which was rightly disallowed by the earlier of this Court. In view of the earlier order of this Court, referred to above, this writ petition is nothing but a sheer abuse of the process of the Court and hence, is required to be dismissed by imposing costs on the petitioner.

4. At this stage, learned counsel for the petitioner sought leave to withdraw the writ petition, after finding that an adverse order is being passed. Such practise also cannot be approved of. Hence, the request is rejected.

The writ petition is dismissed with costs, recoverable from the

petitioner, quantified at Rs.25,000/- (Rupees Twenty Five Thousand only) keeping in view the claim of the petitioner that it is a small scale industry, hence, minimum costs are imposed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

June 29, 2015
DSK