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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 1776/2015 & IA No.12398/2015

TRANSLINE TECHNOLOGIES PVT. LTD. .... Plaintiff  
Through: Mr. Amit Kumar Singh, Advocate

versus

NET INDIA ..... Defendant  
Through: None

**CORAM:**  
**HON'BLE MS. JUSTICE HIMA KOHLI**

% **ORDER**  
**07.09.2015**

1. The present suit has been instituted by the plaintiff against the defendant praying *inter alia* for declaration to the effect that the defendant is not entitled to terminate the contract awarded to the plaintiff and further, not entitled to encash a Bank Guarantee bearing No.0505114BG0001494, dated 9.6.2014, amounting to a sum of Rs.1,69,98,191/-, issued by State Bank of India .

2. It is pertinent to note that the present suit was listed before the Vacation Bench on 1.6.2015, on which date, the court had declined to grant an ex-parte ad interim injunction in favour of the plaintiff. However, summons were issued to the defendant, returnable for 8.7.2015. On 8.7.2015, the case was adjourned to 12.8.2015. In the meantime, the plaintiff had failed to file the process fee. On the last

date of hearing, it was enquired from the counsel for the plaintiff as to whether the defendant had encashed the Bank Guarantee in question.

3. Today, learned counsel for the plaintiff confirms the fact that the Bank Guarantee has remained alive. He further states that the plaintiff is continuing to execute the project awarded to it by the defendant and the same shall be concluded by the end of October 2015. He requests that the present suit may be disposed of with liberty granted to the plaintiff to ask for its revival in the event the defendant seeks to encash the subject Bank Guarantee before 31.10.2015.

4. In view of the submission made hereinabove, the present suit is disposed of, along with pending application, with liberty granted to the plaintiff as prayed for.

**HIMA KOHLI, J**

**SEPTEMBER 07, 2015**

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