

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 CIVIL APPLICATION NO. 9511 OF 2016
IN FA/903/2005 WITH FA/901/2005

M/S ASHOKA BUILDCON LTD.
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicant : Mrs. Jadhav Vaishali D.
AGP for Respondent-State : Mr. S. R. Yadav
Counsel for Respondent-Union of India : Mr. D.G.Nagode
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CORAM : V. K. JADHAV, J.
DATED : 5th JULY, 2016

PER COURT:-

1. Heard learned counsel for respective parties.
2. By order dated 05.10.2005, this Court has permitted the applicant-respondent No.1 to withdraw the amount deposited in this Court on furnishing bank guarantee from a Nationalized Bank and further directed that the bank guarantee so furnished shall be kept alive till the decision of appeals.
3. The applicant-original respondent No.1, by way of present application, seeks return of the original bank guarantee along with all extensions thereof by accepting the fresh bank guarantee furnished by the Bank of Maharashtra, Nashik City Branch for the period from 06.06.2016 to 05.06.2017.

4. Learned counsel for the applicant-original respondent No.1 submits that since ten years, the transactions with the said Bank are closed for administrative reasons. Consequently, the said Bank has issued a letter dated 13.06.2016 to return the original bank guarantee along with all extensions thereof by releasing the said bank guarantee with the averments that the Indian Bank will not be liable to make payment.

5. In view of the above, and since the counsel for respondents have no objection for the same, the Civil Application No. 9511 of 2016 is allowed in terms of prayer clause "A" and disposed of.

6. Parties to act on an authenticated copy of the order.

(V. K. JADHAV, J.)

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