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

+ O.M.P.(I) (COMM.) 374/2016

SHARMA KALYPSO PVT LTD

..... Petitioner

Through: Mr Sandeep Sharma, Mr Vatsal
Kumar and Ms Devyani Sharma,
Advocates.

versus

ENGINEERS INDIA LIMITED & ORS

..... Respondents

Through: Mr Sandeep Sethi, Senior Advocate
with Ms Rashmeet Kaur and Ms
Arpana Majumdar, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **19.09.2016**

IA No.11583/2016

1. Allowed, subject to all just exceptions.
2. The applications stands disposed of.

O.M.P.(I) (COMM.) 374/2016

3. The petitioner has filed the present petition, *inter alia*, praying as under:-

"(i) Restrain the respondents from invoking, encashing and receiving any amount under the Bank Guarantees bearing no 2012/40 dated 19.06.2012, 2013/43 dated 08.08.2013, 2014/15 dated 15.04.2014, BOM/ 1160/RIL/ 107/2013 dated 26.02.2013 & BOM/ 1160/BG/RIL/ 139-2013-14 dated 03.01.2014;

(ii) Further direct Branch Managers of Respondent No.2 & 3 Banks not to remit any amount to Respondent

No.1 under the abovementioned Bank guarantees or to issue any pay order/demand draft/RTGS and if any such pay order/ demand draft(s) have been issued then the same should not be encashed by the respondent."

4. The learned counsel for the parties submit that although the contract in question involved in the present matter is different from the one that is involved in O.M.P.(I) (COMM.) 373/2016, however, the controversy involved is similar. They further contend that the order passed in O.M.P.(I) (COMM.) 373/2016 today would also be determinative of the issues involved in the present case.

5. In view of the order passed in O.M.P.(I) (COMM.) 373/2016, the present petition is also dismissed.

VIBHU BAKHRU, J

SEPTEMBER 19, 2016

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