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

+ **O.M.P.(I) (COMM.) 487/2016**

**VOLTAS LTD.**

..... Petitioner

Through: Ms Surekha Raman, Mr Anuj  
Sharma, Mr Debarshi Bhuyan and Mr  
Aman Shukla, Advocates.

versus

**BHARTIYA RAIL BIJLEE COMPANY  
LTD.**

..... Respondent

Through: Mr Puneet Taneja and Ms Shaleen,  
Advocates for R-1.  
Mr Anil Kumar Sangal, Mr Siddharth  
Sangal and Mr Abhay Kumar Tayal,  
Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**ORDER**  
**22.12.2016**

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**CAV 1073/2016**

1. The learned counsel for respondent has entered appearance.
2. The Caveat stands discharged.

**IA Nos. 15877-78/2016**

3. Exemptions are allowed, subject to all just exceptions.
4. The applications stand disposed of.

**O.M.P.(I) (COMM.) 487/2016 and I.A. 15876/2016**

5. The petitioner has filed the present petition, *inter alia*, seeking an order of injunction restraining respondent no.1 from invoking and encashing the Bank Guarantees in question. The learned counsel for respondent no.2 bank states that the Bank Guarantees in question were invoked on 19.12.2016 and the respondent no.2 bank had thereafter issued demand draft

in favour of respondent no.1 on 20.12.2016; and the same were duly credited in the bank account of the respondent no.1 yesterday, that is, 21.12.2016.

6. In view of the above, the prayers made in the petition do not survive and the present petition is disposed of as being infructuous.

7. However, this would not preclude the petitioner from filing an appropriate application agitating its grievances that the invocation of the Bank Guarantees were wrongful or fraudulent and seeking an appropriate relief in that regard.

8. It is also clarified that nothing stated in the order shall be construed as an expression of opinion on the merits of the disputes between the parties.

**VIBHU BAKHRU, J**

**DECEMBER 22, 2016**  
**RK**