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

+ O.M.P.(I) (COMM.) 20/2015

FIRST CHOICE INTERNATIONAL Petitioner
Through Mr.P.V. Yogeshwaran, Adv. with
Mr.G.Ananda Selvam, Adv.

versus

FRESH & HEALTHY ENTERPRISES LIMITED & ANR.
..... Respondents
Through Mr.M.M.Kalra, Adv.with Ms.Sonali
Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

% **22.03.2016**

O.M.P.(I) (COMM.) 20/2015 & I.A. No.24368/2015

Learned counsel for the parties submits that the learned Arbitrator has already entered upon reference and the arbitration proceedings are in progress. Learned counsel for the petitioner submits that as far as the performance bank guarantee of Rs.1.25 crores, the details of which are mentioned in order dated 28th August, 2015 is concerned, his client undertakes to keep alive the said bank guarantee till the disposal of the arbitral proceedings. In view of the said submission, learned counsel for the respondents is also not pressing his abovementioned application being I.A. No.24368/2015 for modification of order dated 28th August, 2015.

The petition as well as pending application is disposed of. As far as the encashment of bank guarantee of Rs.2 crores which has been encashed

by the respondents is concerned, liberty is granted to the petitioner to move an appropriate application before the Arbitral Tribunal. As and when such application is filed, the same will be decided as per its own merits.

MANMOHAN SINGH, J.

MARCH 22, 2016/vp