

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL APPLICATION NO.27 OF 2017  
IN  
ARBITRATION APPEAL NO.41 OF 2012**

|                                                                                                           |                                                                                                                                                                                                                                      |
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| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders.                                                                                                                                                                                                           |
|                                                                                                           | <p>Mr. V.P. Vaze i/b. City Legal, Advocate for the applicant.</p> <p>Ms.Kavita Brid-Chavan a/w. Pooja Vasandani i/b. Rajani Associates for respondent (orig.appellant).</p> <p>CORAM : R. G. KETKAR, J.</p> <p>DATE : 21/07/2017</p> |

**PC.:**

1. Heard Mr.V.P. Vaze, learned Counsel for the applicant (original respondent No.1) and Ms.Kavita Brid-Chavan, learned Counsel for the respondent (original appellant), at length.

2. This is an application filed by original respondent No.1 in Arbitration Appeal No.41/2012 for issuing directions to the department to return the bank guarantee No.0507 IFIBG 130003 dated 10.4.2013 for Rs.70,85,000/- issued by the Bank of India, Pimpri Branch in favour of the Registrar (Judicial) of this Court, which was furnished on 12.4.2013.

3. Mr. Vaze submitted that by order dated 3.12.2015, the appeal was dismissed in default as none appeared on behalf of the original appellant – Compulink Systems Limited. However, no attempts are made till date for restoration of Arbitration Appeal.

4. In view thereof, Civil Application is allowed in terms of prayer clause (A) with no order as to costs. Office shall return the bank guarantee No.0507 IFIBG 130003 dated 10.4.2013 for Rs.70,85,000/- issued by the Bank of India, Pimpri Branch in favour of the Registrar (Judicial) of this Court, which was furnished on 12.4.2013, to the applicant – Millenium Engineers & Contractors Private Limited. Order accordingly.

(R. G. KETKAR, J.)