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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 249 OF 2017
IN
COMMERCIAL EXECUTION APPLICATION NO. 53 OF 2017**

S. P. Fabricators Pvt. Ltd.	... Applicant
<u>In the matter between</u>	
S. P. Fabricators Pvt. Ltd.	... Claimant
Vs.	
Pratibha Industries Ltd.	... Respondent
And	
Ravi A. Kulkarni & Ors.	... Addl. Respondents
And	
State Bank of India.	... Addl. Respondent

Mr. Gaurang Mehta a/w Ms. Ruta Shah for the Applicant.
Mr. Kapil Moye a/w Mr. Parag Khandar and Ms. Prachi Garg i/b DSK Legal
for Respondent Nos. 1 to 3.

**CORAM : K. R. SHRIRAM, J.
DATE : 21st JUNE, 2017.**

P. C. :

1. Mr. Moye for the respondents, on instructions, states that the respondents have no objection for the Prothonotary and Senior Master, High Court, Bombay to return the bank guarantee and the extension thereto duly cancelled provided, the applicant give an undertaking that if the Court directs the applicant to furnish fresh bank guarantee at the hearing of Arbitration Petition No.187/2017, the applicant will furnish the bank guarantee within the time prescribed by the Court. Only if such an

undertaking is given by the applicant, the Prothonotary and Senior Master shall return the bank guarantee with extension. Mr. Mehta agrees for this.

2. Only last extension of the bank guarantee, this court is informed is with the Prothonotary and Senior Master and the original bank guarantee along with earlier extensions are with the respondent company. Therefore, respondent company shall deposit with the Prothonotary and Senior Master within one week, the original bank guarantee and all extensions that it has.

3. The Prothonotary and Senior Master shall ensure that the undertaking being given is signed by a person not below the rank of Director of the Company and proper board resolution to that effect is also annexed to the undertaking. Prothonotary and Senior Master to settle the draft of the undertaking.

4. Chamber Summons accordingly disposed .

[K. R. SHRIRAM, J.]