

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 461 OF 2017

(M/s. B. Himmatlal Agrawal thr. its Partner and Authorized representative Mr. Kishor s/o Himmatlal Agrawal vs. M/s. Western Coalfields Limited thr. MD-cum-Chairman & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.
JANUARY 23, 2017.**

Heard Shri A.A. Mardikar, learned counsel for the petitioner.

Shri Samundre, learned counsel present in the Court informs that he has been instructed to file caveat today only and accordingly caveat is in the process of registration. If the notice is issued he may appear for respondent Nos. 1, 2 & 3.

During hearing, we find that neither agreement of Bank guarantee nor clause in the agreement with Western Coalfields Limited, which obliges the petitioner to furnish bank guarantee are produced on record. We cannot, therefore, find out whether Bank guarantee as furnished is conditional one or unconditional.

In this situation, with liberty to the petitioner to file appropriate petition on same cause afresh, we dispose the present petition. No order as to costs.

JUDGE

JUDGE