

**HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

WAMP.No.3254 of 2017 in/and W.A.No.1125 of 2017

JUDGMENT: (per Hon'ble the Acting Chief Justice)

WAMP.No.3254 of 2017 is filed seeking permission to withdraw the Writ Appeal in so far as Appellant No.2 is concerned.

Appellant No.1 is a Company registered under the Companies Act, and Appellant No.2 is said to be the subsidiary of Appellant No.1 and to have been incorporated as a Special Purpose Vehicle for setting up a Thermal Power Project. It is the 2nd appellant, which availed a loan from the 1st respondent – Corporation, and furnished a Bank Guarantee in their favour. When the 1st respondent – Corporation sought to invoke the Bank Guarantee furnished in its favour and called upon the 2nd respondent – Bank, vide letter dated 20.07.2017, to release the Bank Guarantees, both the appellants invoked the jurisdiction of this Court filing W.P.No.24437 of 2017; and, on the writ petition being dismissed, they have invoked the jurisdiction of this Court by filing the present Writ Appeal under Clause 15 of the Letters Patent. As the Bank Guarantee was furnished by the 2nd appellant, and encashment of Bank Guarantee by the 1st respondent – Corporation, by addressing a letter to the 2nd respondent - Bank, is under challenge in the writ petition,

withdrawal of the writ appeal by the 2nd appellant would necessitate the writ appeal being dismissed against the 1st appellant also.

Accordingly, WAMP.No.3254 of 2017 is allowed, and the W.A.No.1125 of 2017 is accordingly dismissed. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

RAMESH RANGANATHAN, ACJ

GUDISEVA SHYAM PRASAD, J

27.11.2017.
Msr



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27.11.2017
Msr