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

+ **O.M.P. (I) (COMM) 73/2017**

ZILLION INFRAPROJECTS PVT. LTD.

..... Petitioner

Through: Mr Sakal Bhushan, Mr Naveen
Sharma and Ms Swati Bhushan,
Advocates.

versus

ALSTOM SYSTEMS INDIA (P) LTD.

& ORS.

..... Respondents

Through: Mr Amit Chadha, Senior Advocate
with Mr Akhil Anand, Mr Siddhanth
Kochhar, Ms Avlokita Rajvi and Mr
Sahil Mongia, Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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09.02.2017

IA Nos.1806-1807/2017

Allowed, subject to all just exceptions.

CAV No.133/2017

The learned counsel for the caveator/respondent has entered appearance. The caveat stands discharged.

O.M.P. (I) (COMM) 73/2017

This is a petition filed under Section 9 of the Arbitration and Conciliation Act, 1996, *inter alia*, praying that the respondent nos.1 and 3 be restrained from invoking and/or encashing the bank guarantee bearing no.PNB-19881LG003116 dated 17.02.2016 for an amount of Rs.59,06,047/-

.The said bank guarantee was furnished by the petitioner against mobilization advance received from respondent no.1. The controversy involved in the present petition is covered by the decision of this Court in ***Zillion Infraprojects Pvt. Ltd. v. Alstom Systems India (P) Limited & Ors: OMP (I) (COMM.) 405/2016) decided on 07.02.2017.***

The learned counsel for the petitioner states that the petitioner had appealed against the aforesaid decision before the Division Bench of this Court in FAO(OS) No.34/2017 and the decision in that appeal is reserved. The learned counsel for respondent no.1 states that in the event the petitioner prevails in the said appeal the respondent would deposit the funds realized by encashment of the bank guarantee with respondent no.3 subject to its rights and contentions.

In view of the decision in ***Zillion Infraprojects Pvt. Ltd. v. Alstom Systems India (P) Limited & Ors: OMP (I) (COMM.) 405/2016) decided on 07.02.2017*** the present petition is dismissed.

VIBHU BAKHRU, J

FEBRUARY 09, 2017
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