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

\+ **W.P.(C) 5218/2013**

AJMIL ENTERPRISES, MUMBAI ..... Petitioner

Through Mr Abraham M. Pattiyani, Mrs Manju A. Pattiyani, Mr Prasanth Kulambil, Mr Junais Padalath, Advocates.

versus

SECRETARY MINISTRY OF OVERSEAS INDIAN AFFAIRS AND ANOTHER ..... Respondents

Through Mr Anurag Ahluwalia, CGSC with Ms Shipra Kandoi, Advocate for Respondent No. 1 and Respondent No. 2 with Mr Charitarh Bharti, Advocate with Mr Ashok Kumar, US, Mr RNS Bisht, SO.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% 15.11.2017

1. After some arguments learned counsel appearing for the petitioner seeks to withdraw the present petition with liberty to make a representation to the concerned authorities to take a lenient view with respect to invocation of the Bank Guarantee.

2. It is the petitioner’s case that the Police Authorities have not found any evidence to charge-sheet the petitioner for the offence on the basis of which his RC was cancelled. The said decision was taken subsequently and was not available with the petitioner at the material time. The petitioner also asserts that Mohd Altaf, was a part time employee and was also running his own business; he was not a sub-agent/agent of the petitioner.

3. This Court is refraining from expressing any opinion on the aforesaid assertions since the petitioner is seeking to withdraw the present petition.

4. It is seen that by an order dated 06.12.2012 the petitioner was called upon to Show Cause why the bank guarantee be not invoked. The said order has been upheld by the Appellate Authority. Thus, this Court is of the view that the petitioner ought to be given a chance to Show Cause as to why the bank guarantee be not invoked as he was called upon to do so by the original order dated 06.12.2012.

5. The petitioner's representation if made within two weeks from today would also be considered as the petitioner's response to the aforesaid Show Cause Notice. In the meanwhile, the respondents shall not take any steps to invoke or en-cash the bank guarantee.

6. At this stage, the learned counsel for the respondents states, on instructions, that the respondents have already invoked the bank guarantee but that amount has not been received on account of certain discrepancies. In view of the above, the respondents are directed to maintain *status quo* till a final order in this regard is passed on the petitioner's representation. Needless to mention that if the respondents are persuaded by the petitioner to not invoke the Bank Guarantee, the concerned authority shall take effective steps to cancel the invocation.

7. The petition is dismissed as withdrawn with the aforesaid observations.

8. Order *dasti*.

VIBHU BAKHRU, J

NOVEMBER 15, 2017/ pkv