

\$~2 & 25

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

+ FAO(OS) (COMM) 89/2017 & CM Nos.14999-15001/2017

MICROMAX INFORMATICS LIMITED Appellant

versus

TELEFONAKTIEBOLAGET L M ERICSSON Respondent

+ FAO(OS) (COMM) 54/2017 & CM No.8544/2017

MICROMAX INFORMATICS LIMITED Appellant

versus

TELEFONAKTIEBOLAGET L M ERICSSON Respondent

Presence : Mr.Arvind Nigam, Sr. Adv. with Mr.Ashok Aggarwal,
Mr.Jayant Mehta, Mr. Shubham Aggarwal and Ms.Pallavi
Verma, Advs. for the petitioner

Mr.C.S.Vaidyanathan and Ms.Pratibha M.Singh, Sr. Advocates
with Ms.Saya Chaudhary Kapur, Mr.Ashutosh Kumar,
Mr.Nikhil Chawla, Mr.Adithya Jayaraj, Mr. Saksham Garg and
Mr.Devanshu Khanna, Advs. for the respondent

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **03.05.2017**

Counsel for the plaintiff/respondents objects to the maintainability of the present appeals in view of the orders that are proposed. In view of the ultimate order made, the Court does not propose to rule on it and leaves the question open.

These two appeals challenge orders by the learned Single Judge, in a pending suit CS(OS) 442/2013 renumbered as CS(OS) (COMM) 115/2017. Both are in respect of orders of the Single Judge, upholding the Registrar's orders accepting the bank guarantees furnished by the plaintiff i.e. Ericsson. The appellant-defendants

FAO(OS) (COMM) 89/2017 & conn.

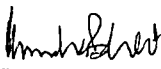
Page 1 of 2

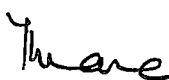
6

argue that the Registrar General's orders and those of the Single Judge rejecting the chamber appeals, overlooked important material circumstances such as the fact that the bank guarantees were conditional in point of time and that they also contained objectionable terms. The plaintiff on the other hand urges that the terms of the bank guarantee are similar to those accepted during the pendency of the suit. They rely upon previous orders of the Registrar General dated 29.1.2016, which had accepted guarantees containing identical terms.

The submissions made by the appellant and the grievance which essentially pertains to the conditions spelt out in the guarantee with respect to time, this Court is of the opinion having regard to the past conduct of the parties the apprehensions articulated are not merited. Yet at the same time to ensure that there is no lapse, at least with respect to the validity of the guarantees, a direction is issued to the Registry to list the suit before the concerned roster Judge, at least a month before the expiry of the validity of the bank guarantees that have been furnished so far, for appropriate orders towards ensuring that fresh bank guarantees are brought on record. The appeals are disposed of in above terms.

Order dasti under signature of the Court Master.


S. RAVINDRA BHAT, J


YOGESH KHANNA, J

MAY 03, 2017/VLD

FAO(OS) (COMM) 89/2017 & conn.