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

+ **W.P.(C) 9141/2017**

TEXTRON SYSTEMS CORPORATION
AND ANR

..... Petitioners

Through Mr Jayant Bhushan, Senior Counsel with
Mr Prateek Kumar and Ms Sneha Jankiraman,
Advocates

versus

MINISTRY OF DEFENCE GOVT OF INDIA
AND ANR

..... Respondents

Through Mr Anil Soni, CGSC/UOI with
Commander Mr. P.K. Bhattacharya, DOMW

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.10.2017

The letter dated 09.10.2017 issued by the respondent to ICICI Bank Limited for invoking the bank guarantee is, *ex facie*, not in terms of the bank guarantee (000 7BG 000 22917 dated 30.06.2016). Mr Soni, the learned counsel appearing for the respondent states on instructions that the said letter be treated as withdrawn. He further states that in the event the respondent seeks to invoke the bank guarantee, it shall issue a fresh letter.

Mr Jayant Bhushan, Senior Counsel appearing for the petitioner states that the petitioner would make a representation to the respondent to settle the entire dispute.

Since the impugned letter has been withdrawn, no further orders are

required to be passed in this petition. The petitioner is at liberty to make such representation as it deems fit and the same would be considered by the respondent in its discretion. It is clarified that the pendency of any such representation would not preclude the respondents from invoking the bank guarantee in question.

The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

OCTOBER 24, 2017

pkv