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

+ O.M.P.(I) (COMM.) 477/2017 & IA 13598/2017

EMCO LTD

..... Petitioner

Through: Mr.Sanjeev Sindhwani, Sr. Adv. with
Ms.Poonam Verma, Ms.Abiha Zaidi, Advs.

versus

DELHI TRANSCO LTD & ANR.

..... Respondents

Through: Mr.Prashant Mehta, Adv. for R-1 along
with Mr.Gaurav Gupta, Manager of DLT and
Mr.Jagat Singh, Manager, DTL
Mr.Arun Aggarwal, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **20.11.2017**

This petition has been filed by the petitioner inter alia praying
for the following relief:-

(a) pass an order of interim injunction restraining the Respondent No. 1 from invoking or encashing the Bank Guarantee, bearing No. 116214IGPER0114 for INR 3,80,29,783 (INR Three Crore Eighty Lakh Twenty Nine Thousand Seven Hundred Eighty Three Only) dated December 04, 2014 issued by Respondent No.2;

(b) direct Respondent No.2 not to pay any amount to Respondent No.1 under the Bank Guarantee, bearing No. 116214IGPER0114 for INR 3,80,29,783 (INR Three Crore Eighty Lakh Twenty Nine Thousand Seven Hundred Eighty Three Only) dated December 04, 2014 issued by it;

Counsel for respondent no.1, who appears on an advance notice
submits that as on date, there is no invocation of the bank guarantee

and no final decision on the same has yet been taken and in that view of the matter, the petition is not only premature but is based only on a threat perception.

Taking into account the above submission as also the fact that the dispute between the parties, if any, would relate to award of work that was granted to the petitioner some time in 2008, I direct that, in case, respondent no.1 wishes to invoke the bank guarantee in question, it will give an advance notice of 7 days in writing to the petitioner, who would be free to take appropriate legal remedy against such invocation, in accordance with law.

It is made clear that nothing has been expressed by me on the merits of the claim of the petitioner in any manner.

The petition is disposed of with the above directions.

Dasti.

NAVIN CHAWLA, J

NOVEMBER 20, 2017
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