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

+ W.P.(C) 209/2018

ANIL KUMAR & CO.

..... Petitioners

Through: Mr Manish Sharma, Mr Rachit Batra,
Mr Sharad Arya and Mr Sanjeev
Sharma, Advocates.

versus

ENGINEERING PROJECTS (INDIA) LTD.
& ORS.

..... Respondents

Through: Mr Kirtiman Singh, Advocate for R-
2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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08.01.2018

CM No. 855/2018

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 209/2018 and CM No. 854/2018

3. The petitioner has filed the present petition, *inter alia*, praying that respondent no.1 (Engineering Projects (India) Pvt. Ltd.) be restrained from taking any coercive steps in terms of the letter dated 29.12.2017. The petitioner also prays that directions be issued for restraining respondent no.1 from invoking the bank guarantee(s) furnished by the petitioner in connection with the contract for supply, installation, testing and commissioning of 11/0.433KV indoor / outdoor electrical sub-station and other associated external electrical works for the campus of the Central University of Jammu at Village Bagla, Distt. Samba, J&K.
4. The learned counsel for the petitioner states that the petitioner is ready

and willing to execute the contract in question if the adequate work fronts are provided. He further states that it was respondent no.1 who had called upon the petitioner to go slow in view of the constraint of funds and therefore cannot complain of lack of progress.

5. Mr Kirtiman Singh who appears for respondent no.2 on advance notice drew the attention of this Court to the impugned letter dated 29.12.2017 and submitted that respondent no.1 has merely asked the petitioner to satisfy respondent no.1 that the petitioner has been discharging his contractual obligations. He submits that in the circumstances the petitioner ought to have approached respondent no.1 with its response.

6. This Court concurs with the submissions made by Mr Kirtiman Singh that it would be apposite for the petitioner to approach respondent no.1 for the first instance.

7. In view of the above, the learned counsel for the petitioner seeks to withdraw the present petition with liberty to approach respondent no.1 within a period of two days from today.

8. The petition and the application are dismissed as withdrawn with the aforesaid liberty.

9. It is clarified that this Court has not expressed any opinion on the contentions advanced or the relief as sought for by the petitioner.

10. Order *dasti* under signature of Court Master.

VIBHU BAKHRU, J

JANUARY 08, 2018/RK