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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 4480/2018 & C.M. Appl. No.17259/2018
SUNFLAG IRON AND STEEL CO LTD

..... Petitioner

Through Mr. Parag P. Tripathi, Sr. Adv with
Mr. Sanjeev Kapoor, Mr. Gaurav
Juneja, Ms Saman Ahsani and Mr.
Aditya Ganju, Advs.

Versus

UNION OF INDIA & ORS

..... Respondents

Through Ms Monika Arora, CGSC with Mr.
Kushal Kumar, Mr. Harsh Ahuja and
Mr. Vibhu Tripathi, Advs for R-1 &
R-2.
Mr. Rajiv Kapur and Ms. Khushboo
Kapur, Advs for R-3.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **03.05.2018**

- 1 Issue notice.
- 2 Mr. Monika Arora accepts notice on behalf of the respondent no.1 & 2.
- 3 By virtue of this writ petition, challenge is made to the notice dated 25.04.2018. Mr. Monika Arora, who appears for the respondent no.1 & 2, says that the issue raised in the present writ petition is similar to the issue arising in the W.P. (C) No.4655/2018 titled: *Hindalco Industries Limited vs. Union of India and Others*. In these circumstances, learned

counsel for the respondents says that similar directions be issued in the captioned petition.

4 Accordingly, the writ petition and CM. No. 17259/2018 are disposed of in terms of the following directions:-

(i) The petitioner is given liberty to approach the Tribunal within two weeks from today.

(ii) Pending adjudication by the Tribunal, the operation of the impugned communication dated 25.4.2018 shall remain stayed.

(iii) In case the decision rendered by the Tribunal is against the interest of petitioner, the said decision will not be enforced for a period of two weeks thereafter.

(iv) It is made clear that if the petitioner does not approach the Tribunal within two weeks from today, the interim protection granted, today, will stand dissolved.

5 To be noted, Mr. Rajiv Kapur, who appears on behalf of the State Bank of India/respondent No.3 informs me that a communication dated 26.04.2018 was sent to the official respondents i.e., the beneficiaries, informing them that there have been no invocation of the subject bank guarantee for the reasons given therein.

6 In these circumstances, for the moment no order needs to be passed qua the subject bank guarantee. The aforementioned interim protection granted by me is confined to the contents of the notice dated 25.04.2018. In other words what is stated at the foot of the impugned notice in the form of a directive to the State Bank of India/respondent no. 3 will not be covered by the interim directions passed today

- 7 Petition is disposed of in the above terms.
- 8 Dasti under the signatures of the Court Master.

RAJIV SHAKDHER, J

MAY 03, 2018

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