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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(I) (COMM.) 289/2018

PRL PROJECTS & INFRASTRUCTURE LTD.

..... Petitioner

Through Ms. Anusuya Salwan, Mr. Abhishek
Pandit and Nikita Salwan, Advs.

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA & ANR.

..... Respondents

Through Ms. Saumya Priyadarshinee, Adv for
R-1.
Mr. Sunil Kr. Gandhi and Mr.
Shivanshu Kumar, Adv for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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16.07.2018

I.A. No.9206/2018

1. Allowed, subject to just exceptions.

O.M.P.(I) (COMM.) 289/2018

2. The prayers made in the petition are as follow:

“a. Pass an order restraining the Respondent from cancelling the letter of award dated 11.06.2018 and from forfeiture of the bid security with respect to the work of "Special repair work of Swaroopganj - Pindwara Section of NH-14 (Km. 248.700 to Km. 264.000) and Pindwara - Bekaria - Gogunda Section of NH-76 (Km 0.000 to Km. 73.000) in the State of Rajasthan.

b. Pass an ex-parte interim order to stay the encashment of bank guarantee No. 6034IPEBG180047 dated 21.04.2018 for Rs.1 ,03,50,000/- drawn on Bank of India, Rajouri Garden, New Delhi-110027 and/I in the

alternative in case the pay order has been made, restrain the Respondent NHAI to encash the same.

c. Direct the Respondent not to take any other coercive measures.”

3. Ms. Saumya Priyadarshinee, who, appears on advance notice on behalf of respondent No.1/NHAI, says that the subject contract, which is represented by Letter of Acceptance (LoA) dated 11.06.2018 has been cancelled by the said respondent vide communication dated 12.07.2018 on the ground that the performance guarantee, as required was not furnished. Furthermore, learned counsel informs me that respondent No.1/NHAI has received the money under the subject bank guarantee.

4. This position has been affirmed by counsel for respondent No.2.

5. In these circumstances, this petition has been rendered infructuous. It is, accordingly, disposed of.

6. This being said, the disposal of this petition will not come in the way of the petitioner assailing the action of NHAI to terminate the LoA, in the manner known to law.

7. A copy of the letter dated 12.07.2018 has been placed on record by counsel for respondent No.1/NHAI. The Registry will scan and upload the same for the purposes of good order and record.

RAJIV SHAKDHER, J

JULY 16, 2018

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