

\$~13

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

+ O.M.P.(I) (COMM.) 281/2017

GE T&D INDIA LIMITED

..... Petitioner

Through: Mr.Rajsekhar Rao, Mr.Sulabh Rewari,
Adv.

versus

LANCO INFRATECH LIMITED & ANR.

..... Respondents

Through: Mr.Deepak Khurana, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **24.05.2018**

Counsel for the petitioner prays for leave to withdraw the present petition. He submits that this petition had been filed only by way of abundant caution inasmuch as the bank guarantee in question was not valid and existing on the date when the said petition was filed.

On the other hand, counsel for the respondents submits that the petitioner has enjoyed the interim protection right since 26th July, 2017 and the same had been extended only subject to the condition that the bank guarantee shall be kept alive by the petitioner.

In my view, while granting leave to the petitioner to withdraw the present petition, equities can be balanced by directing that if the bank guarantee in question could have been invoked and encashed as on 26th July, 2017, the date of the interim order, the bank would honour any invocation made by the respondents.

The petition is dismissed as withdrawn with the above directions.

Dasti.

MAY 24, 2018
RN

NAVIN CHAWLA, J