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

+ W.P.(C) 8600/2015 with CM APPL 18680/2015
LANCO INFRATECH LIMITED Petitioner

Through: Mr. Mehul Parti, Advocate

versus

STATE BANK OF PATIALA Respondent

Through: Mr. S.L. Gupta with Mr. Sharan
Kumar for SBI

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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30.01.2018

1) There are two substantive prayers made in the Writ
Petition. These being:

A) Issue a writ of mandamus or any other appropriate writ, order or direction to the Respondent to respond to the Representations dated 11.05.2015 and 22.07.2015 in a time bound manner not exceeding two weeks.

B) Issue a writ of mandamus or any other appropriate writ, order or direction to the Respondent, to release the credit limit under the Facility agreement dated 06.03.2009 given towards Credit Service to the Petitioner to carry out its business operations;

2) Notice in this petition was issued on 7.9.2015. Upon notice being issued, counter affidavit has been filed by the respondent i.e. State Bank of India.

2.1) To be noted, initially State Bank of Patiala was arrayed as the respondent in the matter. However, after merger with State Bank of India an amendment application was moved which was allowed by this Court.

3) The record shows that my predecessor vide order dated 8.9.2015 has directed the respondent to maintain *status quo* with

regard to the bank guarantee (should be read as counter guarantee) furnished in the sum of USD 3.80 million. The fact that the expression 'bank guarantee' should be read as 'Counter guarantee' has been clarified in the order dated 29.3.2017, passed by this Court.

4) The record also shows that the petitioner had offered a bank guarantee to the Government of Bangladesh via SBI, Dhaka, Bangladesh.

5) I am informed by the learned counsel for the petitioner that a stay is operating on the encashment of bank guarantee. This stay on the encashment of the bank guarantee offered to the Government of Bangladesh has been granted by the Appellate Division (Civil Appellate Jurisdiction) of the Supreme Court of Bangladesh.

6) The counsel for the respondent does not dispute this aspect of the matter. In these circumstances the writ petition is disposed of with a direction to the respondent to deal with the representatives of the petitioner dated 11.5.2015 and 22.7.2015. The representations would be disposed of as expeditiously as possible, though, not later than six weeks from today.

7) The respondent will pass a speaking order. Furthermore, representative of the petitioner will be given a personal hearing in the matter. Pending the disposal of the representation submitted by the respondent, the interim order dated 8.9.2015 read with order dated 29.3.2017 will continue to operate.

- 7) Prayer made in clause (B) is accordingly not pressed by the Petitioner at this stage.
- 8) Pending interlocutory applications shall also stand disposed of.

RAJIV SHAKDHER, J

JANUARY 30, 2018/Nk