

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4739/2017

WCL, Nagpur

..VS..

M/s. Goa Sponge and Power Ltd. & anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.V. Ghare, Adv h/f Shri A.M. Ghare, Adv for the petitioner
Shri S.S. Sitani, Advocate for the respondent no. 1

CORAM : Z.A.HAQ, J.

DATED : 01/02/2019

Joint Pursis signed by the advocates for the petitioner and the respondent nos. 1 and 2 is filed on record vide Stamp No. 1478/2019. It is stated that during the pendency of this petition, the respondent nos. 1 and 2 have extended the bank guarantee till 20/07/2019 and the petitioner would enforce the bank guarantee only after following the procedure prescribed under Clause No. 3.6 of the Coal Supply Agreement dated 21/07/2011. It is stated that the petitioner has withdrawn its earlier notice dated 21/10/2016 by which the agreement came to be terminated. It is further stated that as the notice dated 21/10/2016 is withdrawn, the cause of action for filing the R.C.S. No. 1299/2016 does not survive and the respondent no. 1 seeks permission to withdraw that civil suit. It is stated that if the petitioner initiates any further action, the respondent no. 1 will be at liberty to file civil suit again.

The writ petition is **disposed** as infructuous in view of the joint pursis filed by the parties. In the circumstances, the parties to bear their own costs.

R.C.S. No. 1299/2016 pending before 6th Joint Civil Judge, Junior Division, Nagpur stands **disposed** as withdrawn.

The parties are at liberty to act as per the terms of the joint pursis.

JUDGE

Ansari