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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(I) (COMM.) 351/2019, CAV. 1034/2019 & I.A. 14392/2019
VIKRAM SOLAR PRIVATE LIMITED Petitioner

Through: Mr. Dhanesh Relan, Ms. Gauri
Chaturvedi and Ms. Komal Sorout,
Advs. with Mr. Amit Gupta, Director
Legal.

versus

MALWA SOLAR POWER GENERATION PRIVATE LIMITED
..... Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **15.10.2019**

This matter has been listed vide supplementary list circulated in the post lunch session on a mentioning made before Hon'ble Mr. Justice J.R. Midha.

I.A. 14392/2019 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

O.M.P.(I) (COMM.) 351/2019

The present petition has been filed by the petitioner with the following prayers:

"In view of the facts and circumstances stated above, the petitioner most respectfully prays that this Hon'ble Court may be pleased to:

a. *pass an order restraining / injuncting the respondent*

from encashing the performance bank Guarantee's detailed herein below:

<i>b. BG NO.</i>	<i>ISSUE DATE</i>	<i>BENEFICIARY</i>	<i>AMOUNT</i>
<i>IGL/0003415</i>	<i>11.07.15</i>	<i>IEDC ASSIGNED TO MALWA</i>	<i>6,84,00,000</i>
<i>IGL/0003615</i>	<i>11.07.15</i>	<i>IEDC ASSIGNED TO MALWA</i>	<i>34,80,000</i>
<i>IGL/0003915</i>	<i>11.07.15</i>	<i>IEDC ASSIGNED TO MALWA</i>	<i>38,35,000</i>
<i>IGL/0004115</i>	<i>13.07.15</i>	<i>IEDC ASSIGNED TO MALWA</i>	<i>6,94,00,000</i>
<i>IGL/0004415</i>	<i>13.07.15</i>	<i>IEDC ASSIGNED TO MALWA</i>	<i>9,60,000</i>
<i>IGL/0004615</i>	<i>13.07.15</i>	<i>IEDC ASSIGNED TO MALWA</i>	<i>9,60,000</i>
<i>IGL/0009117</i>	<i>14.09.17</i>	<i>MALWA SOLAR POWER GENERATION LIMITED</i>	<i>50,00,000</i>
<i>IGL/0009217</i>	<i>14.09.17</i>	<i>MALWA SOLAR POWER GENERATION LIMITED</i>	<i>50,00,000</i>
<i>IGL/0009517</i>	<i>14.09.17</i>	<i>MALWA SOLAR POWER GENERATION LIMITED</i>	<i>67,500</i>
<i>IGL/0009417</i>	<i>14.09.17</i>	<i>MALWA SOLAR POWER GENERATION LIMITED</i>	<i>67,500</i>
<i>IGL/0009317</i>	<i>14.09.17</i>	<i>MALWA SOLAR POWER GENERATION LIMITED</i>	<i>1,25,000</i>
<i>IGL/0009017</i>	<i>14.09.17</i>	<i>MALWA SOLAR POWER GENERATION LIMITED</i>	<i>1,25,000</i>
		<i>TOTAL</i>	<i>15,74,20,000</i>

All the aforesaid Bank Guarantees are valid and in existence.

- B. ex-parte ad interim orders in terms of prayers above;*
- C. Pass such further / orders as in the facts and circumstances of this case be deemed fit and proper.”*

Mr. Dhanesh Relan, learned counsel for the petitioner fairly concedes that, as the bank guarantees have been encashed, the present petition has become infructuous and he wishes to withdraw the same. The petition is dismissed as withdrawn.

CAV. 1034/2019

Dismissed as infructuous.

V. KAMESWAR RAO, J

OCTOBER 15, 2019/aky