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

+ **O.M.P.(I) (COMM.) 68/2019**

CHANNEL VAS SERVICES INDIA PVT. LTD. Petitioner

Through: Mr. Mohan Parasaran, Senior
Advocate with Mr. P. Srinivasan and
Ms. Kruthika Shankar, Advocates.

versus

BHARAT SANCHAR NIGAM LIMITED Respondent

Through: Mr. Sameer Agrawal, Advocate.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **15.03.2019**

I.A. No. 3265/2019 (Exemption)

1. Allowed, subject to just exceptions.

O.M.P.(I) (COMM.) 68/2019

2. Mr. Parasaran, learned senior counsel, concedes that the subject performance bank guarantee has been encashed and that the money has been remitted to the respondent.

3. In these circumstances, insofar as prayer clause (a) is concerned, the petition has been rendered infructuous,

4. The petitioner will, however, have liberty to take recourse to an appropriate proceedings as it may be advised in that behalf.

5. Insofar as prayer clause (b) is concerned, the petitioner seeks issuance of a direction to the respondent for not insisting on furnishing of an additional performance bank guarantee under the subject tender.
6. At this juncture, the prayer seems premature. As and when this situation arises, the petitioner will have liberty to take recourse to an appropriate remedy, *albeit*, in accordance with law.
7. The petition is disposed of in the aforesaid terms.

RAJIV SHAKDHER, J.

MARCH 15, 2019

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