

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.02.2020
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 424 of 2020
and
W.M.P. No. 485 of 2020

M/s. Subaya Constructions Co. Ltd.,
Rep. by its Director,
Mrs. S. Meenakshi,
No. 21, Soundarapandian Street,
Ashok Nagar,
Chennai - 600 083

... Petitioner

-vs-

1. The Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
No. 1, Pumping Station Road,
Chindtadripet,
Chennai - 600 002.
2. The Superintending Engineer (Project - I),
Chennai Metropolitan Water Supply and Sewerage Board,
No. 1, Pumping Station Road,
Chindtadripet,
Chennai - 600 002.
3. The Manager,
Union Bank of India,
Ashok Nagar Branch,
Chennai - 600 083.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Second Respondent in Letter No. CMWSSB/SE-1/AVADI UGSS/2019 dated 02.01.2020 and quash the same and forbear the First and Second Respondents from invoking the bank guarantee No. 40920IGL0000109 for sum of Rs.31,28,600/- issued by the Third Respondent, as the Second Respondent's Letter No. CMWSSB/SE-1/ AVADI UGSS/2019 dated 02.01.2020 is in violation of the agreement dated 29.01.2009, the condition in Serial No. 3 of the work order dated 31.12.2008 and Clause 1.1 in Paragraph A. General of the Conditions of

Contract read with Clause 7 of the Contract Date of the agreement.

For Petitioner : Mr. R. Natarajan

For Respondents: Mr. C. Vigneshwaran,
Standing Counsel (for R1 and R2)

No appearance (for R3)

O R D E R

The Writ Petition has been filed challenging the order No. CMWSSB/SE-1/ AVADI UGSS/2019 dated 02.01.2020 passed by the Second Respondent requiring the Petitioner to extend bank guarantee for a period from 09.01.2020 to 31.03.2020.

2. Learned Standing Counsel appearing for the First and Second Respondents submits that the Third Respondent has informed him that the Petitioner has extended bank guarantee till 31.03.2020. In view of the same, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition and he has made an endorsement to that effect, which is recorded.

3. Accordingly, the Writ Petition is dismissed as withdrawn. Consequently, the connected Miscellaneous Petition is closed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vjt

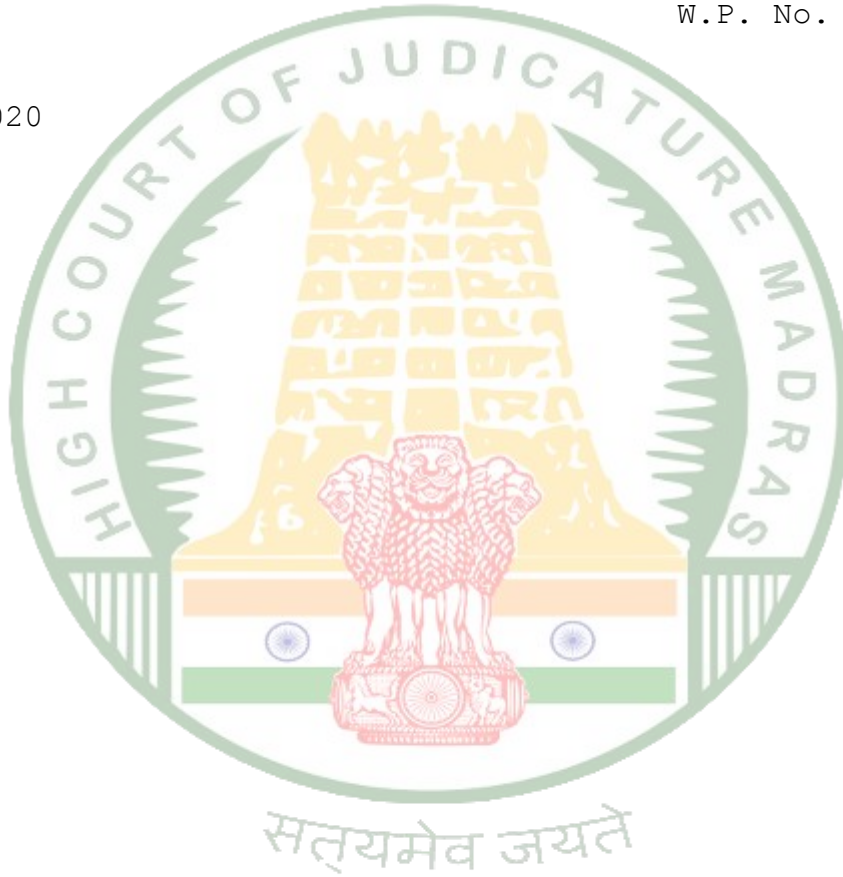
To

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2. The Superintending Engineer (Project - I),
Chennai Metropolitan Water Supply and Sewerage Board,
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