

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 17TH DAY OF FEBRUARY 2020

THE HON'BLE MR. JUSTICE M.SUNDAR

O.A. Nos.1038 AND 1043 OF 2019

O.A. No.1038 of 2019:

In the matter of Arbitration and
Conciliation Act, 1996
and
In the matter of Dust Suppression
System Purchase Order
No.3100029129 dated 20/08/2018
and
In the matter of disputes between
F.Harley and Company Private
Limited Vs.M/s.BGR Energy
Systems Limited.

F.HARLEY AND COMPANY PRIVATE LIMITED

Rep.by its Managing Director

Mr.Namit Shah with its registered

office at No.5 Rameshwar Shaw Road,

Kolkata - 700 014.

...Applicant

-vs-

M/S.BGR ENERGY SYSTEMS LTD.

No.443 Anna Salai, Teynampet,

Chennai - 600 018

also having office at

A-5, Pannamgadu Industrial Estate,

Ramapuram Post, Sullurpet Tk,

Nellore Dt. Andhra pradesh 524 401.

... Respondent

O.A.NO.1038 OF 2019:

Original Application praying that this Hon'ble Court be pleased to
injunction the Respondent from encashing the Advance Bank Guarantee valued
at Rs.34,20,000/- (Rupees Thirty Four Lakhs Twenty Thousand) numbered
as 0006BGR0089619 dated 28/09/2018 issued by the ICICI Bank and the
contract performance Bank Guarantee valued at Rs.34,20,000/- numbered as
0006BGR0089519 dated 29/09/2018 issued by the ICICI Bank, in favour of
the Respondent, pending disposal of the Arbitration proceedings.

O.A.No.1043 of 2019:

In the matter of Arbitration and
Conciliation Act, 1996
and

In the matter of Dust Suppression
System Purchase Order
No.3500008541 dated 24/04/2018
and

In the matter of disputes between
F.Harley and Company Private
Limited Vs.M/s.BGR Energy
Systems Limited.

F.HARLEY AND COMPANY PRIVATE LIMITED
Rep.by its Managing director
Mr.Namit Shah with its registered
office at No.5 Rameshwar Shaw Road,
Kolkata - 700 014.

..Applicant

-VS-

M/S.BGR ENERGY SYSTEMS LTD.
No.443 Anna Salai, Teynampet,
Chennai 600 018

also having office at

A-5, Pannamgadu Industrial Estate,
Ramapuram Post, Sullurpet Tk,
Nellore Dt., Andhra Pradesh 524 401.

... Respondent

O.A.NO.1043 OF 2019:

Original Application praying that this Hon'ble Court be pleased to
injunction the Respondent from encashing the Advance Bank Guarantee
valued at Rs.54,50,000/- (Rupees Fifty Four Lakh Fifty Thousand),
numbered as 0006BGR0025219 dated 28/05/2018 and the Contract
Performance Bank Guarantee Valued at Rs.54,50,000/- numbered
0006BGR0025419 dated 28/05/2018, issued in favour of the Respondent,
pending disposal of the Arbitration Proceedings.

These Original Applications coming on this day before this court
for hearing the court made the following order:

Mr.K.V.Kartik Subramanian, learned counsel for applicant in both
these applications, submits that he has instruction from the applicant to
withdraw these applications. Learned counsel has made an endorsement in
each of the applications, which reads as follows:

'The Application may be permitted to be withdrawn.

Sd/-

2. Endorsement is reiterated in the hearing.

In the light of the endorsement and reiteration of the same, instant applications are dismissed as withdrawn.

Sd/.M.S.J.
17.02.2020

//Certified to be a true copy//
Dated this the day of 2020.

SU/28.02.2020

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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