

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL INTERIM APPLICATION NO.1790 OF 2021
IN
CRIMINAL WRIT PETITION NO. 840 OF 2016**

Union Industries
Versus
The Controller of Rationing & Director
Civil Supplies, Mumbai and Anr.

...Applicant
...Respondents

Mr. Jitendra Motwani a/w Mr. K. G. Mhatre and Ms. Neha Dave i/b Mhatre & Associates, for the Applicant.

Mr. A. D. Kamkhedkar, A.P.P for the Respondent No.2 – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 15th JULY, 2021

(THROUGH VIDEO CONFERENCING)

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant has sought the following substantive prayers :-

- “A. This Hon’ble Court be pleased to condone the delay if any in furnishing the duly renewed Bank Guarantee as directed by this Hon’ble Court by an order dated 30th March, 2016;
- B. This Hon’ble Court be please to direct the Learned Registrar of Bombay City Civil & Session Court, Mumbai Branch to

take on file the duly renewed Bank Guarantee No.00101FIBG150001 in sum of INR 16,53,18,150/- (Rupees Sixteen Crore Fifty Three Lakhs Eighteen Thousand One Hundred and Fifty Only), which is valid and subsisting till 10th April, 2022 in Criminal Writ Petition No.840 of 2016.”

3. This Court (Coram:A.S.Gadkari, J.) vide order dated 30th March 2016, granted Rule and granted interim relief in terms of prayer clause (b)(iv) pending final disposal of the said petition. Vide the said order the Court also directed the petitioner to renew a continuous bank guarantee within a period of three weeks from 10th April 2016, failing which the interim relief would stand vacated. Learned Counsel for the applicant submits that the said order dated 30th March 2016 was complied with by the applicant, inasmuch as, the bank guarantee has been renewed by the applicant from time to time. It appears that due to Covid-19 and national lock-down declared by the Government of India the bank guarantee for the period 2020 to 2022 could not be renewed in time and accordingly be filed before the Registrar Bombay City Civil & Sessions Court, Mumbai Branch.

4. This Court in Criminal Interim Application No.1789 of 2021 has condoned the delay for the reasons set out therein and has directed the Registrar Bombay City Civil & Sessions Court, Mumbai Branch to accept the Bank Guarantee No.00101FIBG150001 in the sum of

Rs. 16,53,18,150/-.

5. Since the earlier bank guarantee was not filed in time, for the reasons set out in the order passed today in Criminal Interim Application No.1789 of 2021, the learned Registrar of Bombay City Civil & Sessions Court, Mumbai Branch has not accepted the duly renewed Bank Guarantee No.00101FIBG150001 in sum of INR 16,53,18,150/- (Rupees Sixteen Crore Fifty Three Lakhs Eighteen Thousand One Hundred and Fifty Only). The said bank guarantee for the year 2021-2022 is valid and subsisting till 10th April, 2022.

6. Accordingly, the Application is allowed in terms of prayer clauses 'A' and 'B'. The said bank guarantee to be filed in the Registry of the Bombay City Civil & Sessions Court, within one week from the date the order is uploaded on the website.

7. Application is accordingly disposed of on the aforesaid terms.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.