



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S. SRIMATHY

CRP(MD) .No.2141 of 2021

WEB COPY

M/s. NLC Tamil Nadu Power Limited,
Having its Registered Office at No.135,
EVR Periyar High Road,
Kilpuak, Chennai - 600 031.

The company site office at Harbour Estate
Tuticorin.

:Petitioner/Petitioner/Petitioner

.vs.

M/s. Gammon Engineers and Contractors Pvt. Ltd.,
Formerly Known as Gammon India Limited (GIL),
Gammon House, eerSavarkar Marg,
P.O.Box.No.9129, Prabhadevi,
Mumbai - 400 025

: Respondent / Respondent/
Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to extend the liquidated damages Bank Guarantee furnished by the respondent for a value of Rs.5,05,89,750/- bearing No.0564ILGO22713, dated 12.12.2013 given by Punjab National Bank, PNB House, Mumbai, pending in IA.No.1 of 2021 in Arb.O.P.No.20 of 2021 on the file of the Principal District Judge, Tuticorin.

For Petitioner : Mr. P.S. Sundaram

O R D E R

This Civil Revision Petition is filed to extend the Liquidated Damages Bank Guarantee furnished by the respondent for a value of Rs.5,05,89,750/- bearing No.0564ILGO22713 dated 12.12.2013 given by Punjab National Bank, PNB House, Mumbai, pending I.A.No.1 of 2021 in Arb.O.P.No.20 of 2021 on the file of the Principal District Court, Tuticorin.

2. The respondent herein had filed a petition for arbitration and a final award was passed on 18.11.2019. Aggrieved over the petitioner herein had filed Arb.O.P.No.20 of 2021 on the file of the Principal District Court, Tuticorin along with an Interlocutory Application in I.A.No.1 of 2021 in Arb.O.P.No.20 of 2021 seeking to grant extension for Liquidated Damages Bank



Guarantee furnished by the respondent for a value of Rs.5,05,89,750/- bearing No.0564ILGO22713, dated 12.12.2013 given by the Punjab National Bank, PNB House, Mumbai, The petitioner herein has filed a stay petition praying to stay the Award dated 18.11.2019. The Principal District had issued notice to the respondent herein and the respondent had entered appearance through Counsel and had filed counter. The case is pending for enquiry and the case was listed for enquiry on 14.12.2021, 21.12.2021 and now posted for hearing on 07.01.2022.

3. The contention of the petitioner is that the Bank Guarantee given by the Punjab National Bank is valid only up to 31.12.2021. The case was listed for enquiry on 14.12.2021, 21.12.2021 and the Bank Guarantee was not extended and interim stay was not granted and the case is adjourned 07.01.2022. But by the time the case is taken up for hearing the Bank Guarantee would be expired and there will be a huge financial loss to the petitioner / corporation.

4. Since the limited relief sought for by the petitioner is to grant extension of time to the Bank Guarantee, notice to the other side is dispensed with.

5. Considering the facts and circumstances, the Bank guarantee is extended until six months i.e. upto 30.06.2022. This Court directs the learned Principal District Judge, Tuticorin to consider the said applications filed by the petitioner and pass orders within a period of three months from the date of receipt of a copy of this order. If there is any delay in considering the interlocutory applications, the learned Principal District Judge, Tuticorin shall consider to extend the Bank Guarantee beyond six months and also consider the stay application for granting interim stay.

6. With the above direction, the Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp



To:

The Principal District Judge,
Tuticorin.

WEB COPY

+1 CC to M/s.P.S.SUNDARAM, Advocate (SR-40541[F] dated 30/12/2021)

CRP (MD) .No.2141 of 2021
29.12.2021

RD(30.12.2021) 3P 3C