

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**WPC NO.13066 OF 2022**

***Usha Projects (India) Pvt. Ltd.,*** ..... ***Petitioner***  
***Bhubaneswar***

Mr.A.Rath, Adv.

-versus-

***NTPC Ltd., Bhubaneswar & anr.*** ..... ***Opposite Parties***

**CORAM:**  
**JUSTICE BISWANATH RATH**

**ORDER**  
**20.5.2022**

**Order No.**

01.      1.      Heard learned counsel for the Petitioner.
2.      An allegation is made through the Writ Petition involving Annexure-7 that even though the Bank Guarantee furnished is a matter in between the Petitioner and O.P.1, there is likelihood of utilizing of Bank Guarantee in favour of O.P.2 by O.P.1 on the basis of a request made by O.P.2, vide Annexure-7. Mr.Rath, learned counsel for the Petitioner alleges that after receipt of communication, vide Annexure-7, the Petitioner proposes to file its objection objecting the action on the representation at Annexure-7 specifically keeping in view the condition in the contract between the Parties and thereby raising its objection in the matter of release of the same in favour of O.P.2.

3. Considering the submission of the learned counsel for the Petitioner, this Court finds, since the Writ Petition has been filed on apprehension, in the event the Petitioner has any objection to the request involving Annexure-7 on the premises that such request is contrary to the terms and conditions in the contract, it may be open to the Petitioner to raise its objection before O.P.1 for at least considering the case of the Petitioner before taking a decision on Annexure-7. Objection, if any, be filed at least within seven days from today.

4. The Writ Petition stands disposed of accordingly.

5. Issue urgent certified copy.

**(Biswanath Rath)**  
**Judge**

*M.K.Rout*