



Cont.P.No.382 of 2018

Dr.ANITA SUMANTH,J.

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Memo dated 12.08.2022 filed by the respondent enclosing a copy of the bank guarantee is placed on file. The memo reads as follows:

1) It is submitted that vide an order datd 18-07-2022 passed in the above matter by this Hon'ble Court the Respondent was directed to furnish a bank guarantee for a sum of Rs.3,66,00,000/- to the credit of the above matter to be deposited with the Registrar General of the High Court.

2) It is submitted that the Respondent had complied with the said order and got a bank guarantee executed by the Punjab National Bank, Mumbai for the said sum to the credit of the above Contempt Petition on 04-08-2022.

3) It is submitted that a scanned copy of the bank guarantee was furnished to the Respondent by the said bankers and the original was handed over to the Respondent in a sealed cover addressed to the Registrar General of this Hon'ble Court.

4) It is submitted that a photo copy of the said bank guarantee was served on the counsel for Petitioner on 08-08-2022.

5) It is further submitted that the counsel for the Respondent was not able to deposit the said original Bank guarantee with the Registrar General as the registry of this Hon'ble Court is not receiving the same and insisting on the officials of the said Bankers of the Respondent to come to Chennai from Mumbai and execute the bank guarantee in the presence of the Assistant Registrar of this Hon'ble Court.

6) It is submitted that when the Respondent intimated the same to their bankers, the Bankers, who are in Mumbai have expressed their inability to travel to Chennai and



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execute the Ban Guarantee as the bank's policy does not permit them to do so.

7) It is submitted that due to the above mentioned reason, though the Respondent had complied with the order of this Hon'ble court by getting a bank guarantee executed to the credit of the above Petition, they are not able to deposit the original of the said bank guarantee with the Registrar General.

8) It is submitted that the Respondent is in possession of the said original of the bank guarantee given in a sealed cover by their bankers, and most respectfully undertake to deposit the same before this Hon'ble court at any time, as directed by this Hon'ble Court. The scanned copy of the said Bank Guarantee and the copy of acknowledgement given by the Counsel for Petitioner is filed along with this memo.

Therefore it is respectfully prayed that this Hon'ble Court may be pleased to record this memo and pass such further orders as this Hon'ble Court may deem fit and thereby render justice.

2. A copy of the memo along with bank guarantee has also been served upon the learned counsel for the petitioner on record and the same is stated to in order by learned Senior Counsel for learned counsel on record for the petitioner.

3. The Registrar General, Madras High Court shall accept the bank guarantee in original and retain the same on file till the closure of this contempt petition. The validity of the bank guarantee is stated to be one year from the date of guarantee, which is 04.08.2023.



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4. At request of parties, list this contempt petition on 18.11.2022 to report progress in the arbitration.

18.08.2022

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Note: Upload this order on 22.08.2022.



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Cont.P.No.382 of 2018

18.08.2022



Cont.P.No.382 of 2018

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This matter is listed today under the caption 'for being mentioned' at the instance of the petitioner. The prayer made today relates to the direction at paragraph 3 of order dated 18.08.2022, which reads as follows:

'3.The Registrar General, Madras High Court shall accept the bank guarantee in original and retain the same on file till the closure of this contempt petition. The validity of the bank guarantee is stated to be one year from the date of guarantee, which is 04.08.2023.'

2.Dr.Father Xavier Arulraj, learned Senior Counsel for Ms.A.Arul Mary, learned counsel on record appearing for the petitioner and Mr.K.Newlin Fredrick, learned counsel for the respondent would agree that the direction for retention of the original bank guarantee by the Registrar General, Madras High Court shall be *'till the closure of the proceedings for arbitration between the parties'*. Thus, paragraph 3 shall now read as follows:

'3.The Registrar General, Madras High Court shall accept the bank guarantee in original and retain the same on file till the closure of the proceedings for arbitration between the parties. The validity of the bank guarantee is stated to be



one year from the date of guarantee, which is 04.08.2023.'

3. Baring the aforesaid modification order dated 18.08.2022 remains

unaltered in all other respects.

03.01.2023

VS

**Note:Registry is directed to issue fresh copy
of the order dated 18.08.2022 as amended
under this order.**



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DR.ANITA SUMANTH,J.

VS

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03.01.2023