



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15879 of 2020

M/s.Krishfo Infotech Solutions Private Limited,
Represented by its Chief Executive Officer
Mr.Gangadhar P

...Petitioner

Vs.

M/s.Indian Overseas Bank,
Represented by its General Manager,
Digital Banking Department,
Head Office: 763 Anna Salai,
Chennai - 600 002.

...Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the letter dated 22.10.2020 of the respondent to invoke the bank guarantee No.BOM - 162/GEN/5/2016-17 dated 25.07.2016 issued by Bank of Maharashtra, Basvangudi Branch, Karnataka and quash the same and consequently to direct the respondent to return the bank guarantee.

For Petitioner : Mr.V.Arunagiri

For Respondent : Mr.F.B.Benjamin George

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records relating to the letter dated 22.10.2020 of the respondent to invoke the bank guarantee No.BOM - 162/GEN/5/2016-17 dated 25.07.2016 issued by Bank of Maharashtra, Basvangudi Branch, Karnataka and to quash the same and to consequently direct the respondent to return the bank guarantee.

2.The learned counsel appearing for the petitioner submitted that at the time of filing the writ petition, there was no arbitration proceedings and during the pendancy of this



writ petition, the petitioner initiated arbitration proceedings as against the respondent and the same is pending. Hence, this Court may close this writ petition with liberty to the petitioner to canvass all the points before the learned Arbitrator.

3. Since the issue involved in this writ petition is already pending before the learned Arbitrator, this writ petition is closed with liberty to the petitioner to canvass all the points before the learned Arbitrator appointed at the instance of the petitioner. No costs. Consequently, the connected miscellaneous petition, if any, is/are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

The General Manager,
M/s. Indian Overseas Bank,
Digital Banking Department,
Head Office: 763 Anna Salai,
Chennai - 600 002.

+1cc to Mr. F. B. Benjamin George, Advocate SR. No. 7262

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PMK (CO)
PR (09/03/2022)