



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CIVIL APPLICATION (CAW) NO. 1807 OF 2024

IN

WRIT PETITION NO. 4136 OF 2024

(M/s. Sew Infrastructures Limited ..Vs.. Western Coalfields Limited and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. D.V. Chauhan Advocate with Aniket Dabadaghao, Advocate for
petitioner

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 11-07-2024

Heard.

2. For the reasons disclosed in the application, the application is allowed. Appropriate amendment be carried out within one week.

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Mr. Chauhan, the learned Counsel appearing for the petitioner submits that the petitioner was awarded the civil work of drilling, excavation, loading, transportation, dumping, spreading, dozing, grading and water sprinkling in the Opencast Mine at Sasti, District Chandrapur. It is claimed that the work was completed on 20.4.2016 on a satisfactory note as could be inferred from Work Completion Certification dated 3.7.2023. Mr Chauhan would invite our attention to the release of the final bid and also the performance Bank guarantee.

2. According to Mr. Chauhan, the learned Counsel for the petitioner, the Bank guarantee for an amount of Rs. 1,32,13,309/- has been encashed in spite of the fact

that the petitioner has performed the work to the satisfaction of the respondent No. 1.

3. According to him, the earlier dispute which was taken to Arbitrator, by consent, resulted into rejection of the claim of the petitioner so also the counter claim of the respondent No. 1 and in such an eventuality, there should not have been occasion for the respondent No. 1 to encash the Bank guarantee.

4. Issue notice to the respondents, returnable on 25.7.2024.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

Belkhede