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W.P.No.23099 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23099 of 2023

M/s.Lookman Electroplast Industries Ltd.
Rep. By its Authorised Signatory Mr.Adhiyaman VK
Old No.9, New No.15, 2nd Street Extension
3rd Main Road, CIT Nagar, Nandanam
Chennai – 600 035. .. Petitioner

vs

1. Bharat Electronics Ltd.
A Government of India Enterprise
Ministry of Defense
Having registered and Corporate Office at
Nagavara, Outer Ring Road, Bengaluru – 560 045
Rep. By Asst. General Manager – Production/HLC & SCB.
2. M/s.HDFC Bank Ltd.
115, Radha Krishnan Salai
Mylapore, Chennai – 600 004. .. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the first respondent from invoking the bank guarantee to the tune of Rs.4,78,50,000/- (Rupees Four Crores Seventy Eight Lakhs Fifty Thousand Only) with the second respondent bearing reference No.004GT02231680004 dated 17.06.2023 valid upto 16.06.2024, in relation to the Agra Smart City project.

For Petitioner : Mr.AR.Karthik Lakshmanan

For Respondents : Mr.T.Madhusudhan Reddy
for R1

Mr.A.Neelakantan
for R2



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ORDER

The present writ petition is filed seeking writ of mandamus, forbearing the first respondent from invoking the bank guarantee to the tune of Rs.4,78,50,000/- (Rupees Four Crores Seventy Eight Lakhs Fifty Thousand Only) with the second respondent bearing reference No.004GT02231680004 dated 17.06.2023, valid upto 16.06.2024, in relation to the Agra Smart City project.

2. Learned counsel appearing on behalf of the petitioner would submit that the petitioner Company supplies manpower as well as provides integrated CCTV coverage in relation to the Agra Smart City Project in terms of the minutes of the meeting dated 05.12.2018. For the above said project, the petitioner executed a bank guarantee on 17.06.2023 to the tune of Rs.4,78,50,000/- (Rupees Four Crores Seventy Eight Lakhs Fifty Thousand only) and subsequently, there was a dispute with regard to the execution of the work, for which, the first respondent decided to invoke the bank guarantee. Aggrieved over the same, the present writ petition has been preferred.



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3. However, learned counsel appearing for the petitioner would submit that during the pendency of the present writ petition, the issue was decided to be amicably settled between the parties before an Arbitrator. Learned counsel appearing for the first respondent also has no objection with regard to the appointment of an Arbitrator.

4. In view of the same, this Court is inclined to appoint *Dr.P.Jyothimani*, Former High Court Judge, Madras High Court, as the sole Arbitrator. The petitioner and the respondents are directed to file their respective claim before the sole Arbitrator and the Arbitrator may adjudicate the matter and pass appropriate orders. Until such time, the respondents are directed not to invoke any bank guarantee. It is also made clear that all these issues are open to be raised before the Arbitrator by the parties.

5. The writ petition, as such, stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.22645 of 2023 is closed.

25.10.2024

Index: Yes/No
Neutral Citation :Yes/No

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To:

1. The Assistant General Manager – Production/HLC & SCB
Bharat Electronics Ltd.
A Government of India Enterprise
Ministry of Defense
Having registered and Corporate Office at
Nagavara, Outer Ring Road, Bengaluru – 560 045.



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M.DHANDAPANI, J.

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