



\$~102

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 309/2022**

**INDERJIT MEHTA CONSTRUCTIONS PVT LTD THROUGH ITS
DIRECTOR SH AMARJIT MEHTA** Petitioner

Through: Ms. Malvica Satija, Advocates

versus

MAJOR GENERAL HARI SINGH Respondent

Through: Ms. Pratima N. Lakra, Mr. Chandan
Prajapati, Advocates.
Mob: 9968324260

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

ORDER
16.05.2024

%

1. The present petition has been filed alleging willful disobedience of the order dated 31st January, 2022 passed by the Arbitral Tribunal, wherein, the following direction had been passed:

“xxx xxx xxx

13. In view of the above, it is held that the Respondent has failed to prima facie justify the retention of Bank Guarantees. Accordingly, the Tribunal directs the Respondent to forthwith release the Performance Bank Guarantee (five percent) and the Retention Bank Guarantee of Rs.2 Crores to the Claimant within two weeks from the receipt of the Order.

xxx xxx xxx”

2. The present petition was filed, since the aforesaid order was not complied with, by the respondent.



3. Today, learned counsel appearing for the respondent has handed over a copy of order dated 13th December, 2022 passed in ARB.A.(COMM.) 16/2022, wherein it has been noted as follows:

“xxx xxx xxx

9. *Learned counsel for the respondent submits that the Bank Guarantees in question, i.e., Performance Bank Guarantee and Retention Bank Guarantee, shall be kept alive by the respondent during the pendency of the present appeal. The said statement by learned counsel for the respondent is taken on record and it is ordered accordingly.*

xxx xxx xxx”

4. The aforesaid order is taken on record.

5. Thus, in view thereof, no further orders can be passed by this Court. Accordingly, the present petition is disposed of, with liberty to the petitioner to revive the present petition, in case the grievance of the petitioner still survives.

MINI PUSHKARNA, J

MAY 16, 2024

ak