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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(I) (COMM.) 85/2024, I.A. 6363/2024**
KARAM CHAND THAPAR AND BROS (COAL SALES)
LIMITED Petitioner

Through: Mr. Arun Kumar Varma, Sr. Adv.
with Mr. Vikas Goel, Mr. Ritesh
Sharma, Mr. Vivek Gupta, Ms.
Anisha, Advs.

versus

THDC INDIA LIMITED Respondent

Through: Mr. Shantanu Tyagi, Adv.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
17.05.2024

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1. This is a petition seeking return of Bank Guarantee bearing No. 190GM03170900002 dated 31.03.2017 for an amount of ₹ 25.50 crores.
2. On 18.03.2024, this Court directed the petitioners to file an affidavit to renew the Bank Guarantee or bring a fresh Bank Guarantee for ₹ 25.5 crores in case the arbitral award dated 21.03.2022 corrected on 16.04.2022 is varied/modified/alterd in O.M.P.(COMM.) 350/2022 and in case additional amounts are found due and payable by the petitioner to the respondent.
3. There was some typographical error in the order of 18.03.2024 which was corrected on 22.03.2024.
4. Pursuant to the said direction, the Deputy Manager (Legal) of the



petitioner has filed an affidavit dated 20.03.2024 wherein para 4 records as under:

“4. That in compliance with the aforesaid direction of this Hon’ble Court, the present affidavit is being filed to submit and undertake that the Petitioner would furnish a fresh bank guarantee for an amount of Rs. 25,50,00,000/- (Rupees Twenty Five Crores Fifty Lacs Only) in case any order is passed subsequently finding additional amount due and payable to the Respondent.”

5. Mr. Tyagi, learned counsel for the respondent on instructions is acceptable to the affidavit given by the petitioner.

6. For the said reasons and binding the petitioner to the statement made in the affidavit of 20.03.2024, it is directed that the respondent will return Bank Guarantee No. 190GM03170900002 dated 31.03.2017 for an amount of ₹ 25.50 crores to the petitioner/authorized representative within 1 week from today.

7. The petition is disposed of.

JASMEET SINGH, J

MAY 17, 2024/DM

Click here to check corrigendum, if any