



SUB APPL NO. 88 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-02-2025

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THE HONOURABLE DR JUSTICE ANITA SUMANTH

SUB APPL NO. 88 of 2025

IN CONT P NO. 382 OF 2018

M/s.Garuda Aviation Services Pvt. Ltd.,
Garuda House, No. 142, Upper Govind Nagar, Mumbai 400
097.

Applicant(s)

Vs

Airports Authority of India,
Rep by Airport Director, Chennai Airport, Chennai 600 027.

Respondent(s)

CONT P NO. 382 of 2018

AIRPORTS AUTHORITY OF INDIA
Rep. By Airport Director
Chennai Airport
Chennai 600 027

Vs

MR. AKBAR BASHAH
Rep. By Airport Director
Chennai Airport
Chennai 600 027

SUB APPL NO. 88 of 2025

For Applicant(s):

M/s. K.Newlin Frederick

For Respondent(s):

Ms.A.Arul Mary

CONT P NO. 382 of 2018

For :

Rpad&speed Post Returned Unserved(left)
Proof Of Service Filed Additional Typed Set Filed
Affidavit Of Proof Of Service Filed On 27/10/2021
Mr.K.Newlin Frederick(advocate), Flat No.2, Ground Floor,
Rams Flat, No.95/42, Gandhi Nagar , 2nd Main Road, Adyar,



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Chennai-600 0020.

M/s.K.Newlin Frederick, V.Rajesh Babu, Counsel Or
Respondent Vakalat Filed On 27/10/2021

Counter Affidavit Filed By The Respondent Filed On
19/11/2021

Typed Set Of Papers Filed On 19/11/2021

Typed Set Filed On 08/12/2021

Counter Affidavit Filed On 18/02/2022

Proof Of Service Filed By M/s.A.Arul Mary, Counsel For
Respondent Filed On 18/02/2022

Affidavit Filed By The Respondent Filed On 19.07.2022

Scanned Copy Of The Bank Guarantee Dated 04.08.2022 Filed
By M/s.K.Newlin Frederick, V.Rajesh Babu, Counsel For
Respondent Filed On 12.08.2022

Memo Filed On Behalf Of The Respondent By M/s.K.Newlin
Frederick, V.Rajesh Babu, Counsel For Respondent Filed On
12.08.2022

Copy Of The Letter Bearing The Acknowledgement Of The
Counsel For The Petitioner Filed By M/s.K.Newlin Frederick,
V.Rajesh Babu, Counsel For Respondent Filed On 12.08.2022

Memo Of Compliance Filed On Behalf Of The Respondent

ORDER

Read this order in continuation of and in conjunction with order dated 03.02.2025, that
reads as follows:

*Notice to the respondent. Private notice to the learned counsel who
appeared for the respondent in the writ petition is also permitted.*

*2.Mr.K.Newlin Frederick would submit that the bank guarantee that has
been executed and handed over to the Registrar General of this Court
expires today. This is recorded.*

3.Await report from Registrar General in this regard.

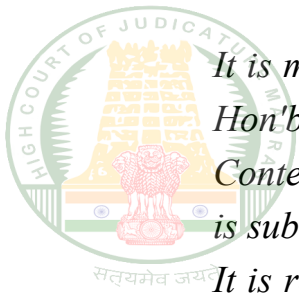
4.List on 07.02.2025.

*5.Report to be filed prior to 07.02.2025 with copy served in advance on
the parties.*

2. Pursuant to the aforesaid order, the Registrar General has filed a report dated

<https://www.mhc.tn.gov.in/judis>

06.02.2025, reading thus:



It is most respectfully submitted that in compliance with the directions of Hon'ble Court in order dated 03.02.2025 made in Sub Appl. No.88 of 202

Contempt Petition No.382 of 2018 in A.No.3581 of 2017, the following report is submitted for your Lordship's kind consideration and further orders:

It is respectfully submitted that in compliance with the orders of the Hon'ble Court dated 18.07.2022 and 18.08.2022, M/s.K.Newlin Frederick & V.Rajesh Babu, Counsel for the Respondent, have sent a letter to the Registry dated 24.08.2022 enclosing the original Bank Guarantee in No.37350ILG001022 dated 04.08.2022 for a sum of Rs.3,66,00,000/- (Rupees Three Crores Sixty Six Lakhs only) issued by Punjab National Bank, Mandvi Branch, Mumbai, in favour of the Registrar General, High Court, Madras, for the period from 04.08.2022 to 03.08.2023, which was submitted by M/s.Garuda Aviation Services Pvt. Ltd., the Respondent herein.

It is further submitted that subsequently, M/s.K.Newlin Frederick & V.Rajesh Babu, Counsel for the Respondent, have sent a letter to the Registry dated 24.08.2023 enclosing the original Extension/Amendment of the aforesaid Bank Guarantee No.37350ILG001022 dated 04.08.2022 (Bond dated 09.08.2023) for a sum of Rs.3,66,00,000/- (Rupees Three Crores Sixty Six Lakhs only) issued by Punjab National Bank, Mandvi Branch, Mumbai, in favour of the Registrar General, High Court, Madras, which was further extended till 03.02.2024. The terms of the Bank Guarantee is extracted hereunder:

“Notwithstanding anything to the contrary contained herein:-

- (i) Our liability under this Guarantee shall not exceed Rs.3,66,00,000/- (Rupees Three crores sixty six lacs only)*
- (ii) This Bank Guarantee shall be valid up to 03.02.2024 (being the date of expiry of the Guarantee)*
- (iii) Further, a claim period of 12 months after the validity period (claim period up to 03.02.2025) is available to you to make a demand under the Bank Guarantee, in respect of a cause of action which has arisen during the validity period only;*
- (iv) We are liable to pay up to the guarantee amount only and only, if we receive from you a written claim on or not later than 6 months from the said expiry dated i.e. 03.02.2025 (date of expiry of guarantee)*

In this connection, it is further respectfully submitted that the aforesaid Bank Guarantee has been kept in the safe custody of the Registry and no letter has been received from the counsel for the respondent till date, in respect of extension of the said Bank Guarantee.



Dr.ANITA SUM



3. In light of the report of the Registrar General dated 06.02.2205, the bank guarantee

bearing No.37350ILG001022 dated 04.08.2022 for a sum of Rs.3,66,00,000/- be returned

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to the petitioner upon production of a copy of this order, with due acknowledgement.

4. With this, the Sub-Application is closed. No costs.

07-02-2025

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SUB APPL NO. 88 of 2025

To

1. Airports Authority of India,
Rep by Airport Director,
Chennai Airport,
Chennai 600 027.

CONT P NO. 382 of 2018

1. MR. AKBAR BASHAH
Rep. By Airport Director
Chennai Airport
Chennai 600 027

SUB APPL NO. 88 of 2025

IN CONT P NO. 382 OF 2018