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

+ **OMP (ENF.) (COMM.) 69/2018**

**ITD-SDB (JV)**

..... Petitioner

Through: Ms. Anusuya Salwan, Adv. with A/R  
Col. Rakesh Kharb.

versus

**NATIONAL HIGHWAYS AUTHORITY OF INDIA..... Respondent**

Through: Ms. Kritika Shukla, Adv.

**CORAM:**

**SH. RAVINDER SINGH (DHJS), JOINT REGISTRAR (JUDICIAL)**

**ORDER**

% **02.05.2019**

Ld. counsel for DH/petitioner placed on record original Bank Guarantee bearing no. 003GT01191000004 dated 10-04-2019 for an amount of Rs. 19,45,95,689.00 valid upto 09-4-2020.

Mr. Ranjeet Jaiswal, Sr. Manager with HDFC Bank Ltd, branch at B-54-A, Greater Kailash Part-I, New Delhi-110048, present for verification of Bank Guarantee bearing no. 003GT01191000004 dated 10-04-2019 for an amount of Rs. 19,45,95,689.00 valid upto 09-4-2020. His statement recorded in this regard.

Statement of Col. Rakesh Kharb, Authorized Representative of Decree Holder also recorded separately.

Having regards to the statement of Mr. Ranjeet Jaiswal and Col. Rakesh Kharb, Authorized Representative of Decree Holder, Bank Guarantee bearing no. 003GT01191000004 issued on 10-04-2019 for an amount of Rs. 19,45,95,689.00 valid upto 09-4-2020 (Ex. PX-4) is found in order and accordingly, the same is hereby accepted.

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Petitioner/DH is directed to keep the Bank Guarantees Ex. PX-4 alive till the disposal of the case and submit renewed/extended Bank Guarantee atleast four weeks in advance before the expiry of the aforesaid bank guarantee.

In case petitioner/DH failed to place on record the extended Bank Guarantees within four weeks, Registry is directed to put this file before this court.

Ld. counsel for DH/petitioner stated that JD/respondent deposited an amount of Rs. 38,45,95,689/- in terms of order of Hon'ble Court dated 26-07-2018 and the said amount is to be released alongwith accrued interest to the DH/petitioner in term of order of Hon'ble Court dated 03-12-2018. Ld. counsel for appellant further stated that appellant got released Rs. 19 Crores on furnishing a bank guarantee of Rs. 19 Crores vide order of undersigned dated 11-2-2019. Hence, further amount equivalent to the Bank Guarantee (Ex. PX-4) be released to the DH/petitioner, out of the remaining amount as deposited by the JD/respondent.

Vide order dated 03-12-2018 Hon'ble Court in para 2.3 held as under

*“Accordingly, the amount lying with the Registry alongwith the accrued interest will be released to the Decree Holder against Bank Guarantee of an equivalent sum”.*

The Decree Holder/petitioner furnished Bank Guarantee Ex. PX-4 for an amount of Rs. 19,45,95,689.00. Hence, Registry is directed to release the amount equivalent to the Bank Guarantee Ex. PX-4 to the Decree Holder /petitioner in terms of order of Hon'ble Court dated 03-12-2018.

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List this matter before the Hon'ble Court for the date already fixed i.e.  
11-09-2019.

**RAVINDER SINGH (DHJS)**  
**JOINT REGISTRAR (JUDICIAL)**

**MAY 02, 2019**  
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