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

+ CS(COMM) 276/2016

GAIL INDIA LTD

..... Plaintiff

Through: Ms. Maninder Acharya, ASG with
Mr. N.L. Ganpathi & Mr. Viprav
Acharya, Adv.

Versus

UCO BANK & ANR

..... Defendants

Through: Mr. D.S. Chauhan & Mr. Prashant
Kumar, Adv. for D-1.
Ms. Amrita Mishra & Ms. Surbhi
Sinha, Adv. for D-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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31.01.2020

1. This order is in continuation of the orders dated 21st November, 2019 and 20th January, 2020.
2. The Additional Solicitor General (ASG) appearing for the plaintiff states that the Chairman and Managing Director (CMD) of the plaintiff has considered the matter in terms of the order dated 21st November, 2019 and taken a decision to proceed with the suit. It is stated that the bank guarantee was required to be kept alive by defendant no.2 Harrisons Industries upto 90 days after the expiry of defects liability period which was one year and thus was invoked.
3. However on 21st November, 2019 it was informed that no proceedings had been initiated by the plaintiff against defendant no.2 Harrisons Industries.
4. The ASG states that the contract in favour of defendant no.2 Harrisons Industries was terminated and the remaining work was being done



at the risk and cost of defendant no.2 Harrisons Industries and though till now no proceedings had been initiated against defendant no.2 Harrisons Industries but the plaintiff is now considering the said aspect.

5. On request, list for further consideration on 21st April, 2020.

RAJIV SAHAI ENDLAW, J

JANUARY 31, 2020

'gsr'..

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