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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P.(EFA)(COMM.) 15/2016

CAIRN INDIA LTD & ORS

..... Petitioners

Through

Mr. Arjun Pall & Mr. Anirudh Lekhi,
Advs.

versus

GOVERNMENT OF INDIA

..... Respondent

Through

Mr. Anurag Ahluwalia, Mr. Praveen
Kumar Jain, Mr. Tushar Bhardwaj &
Mr. Aditya Shandilya, Advs.

CORAM:

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

ORDER

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02.04.2019

Learned counsel for the petitioner placed on record original Bank Guarantees bearing no. 0544BGR0226619 dated 22.02.2019, 0544BGR0226419 dated 22.02.2019 and 0544BGR0236819 dated 07.03.2019 for an amount of Rs 5,29,61,499/-, Rs 4,86,29,687/- and Rs. 39,86,73,954.77/- respectively. Further learned counsel for petitioner placed on record original affidavits of undertaking of Ms. Dipti Bedi Sharma, the AR of petitioner no. 1 in terms of order of Hon'ble court dated 12.03.2019.

It is noted that Plaintiff filed an I.A. 3595/2019 for release of an amount of Rs. 5,29,61,499/- and Rs. 4,86,29,687/- alongwith copy of bank guarantees bearing no. 0544BGR0226619 dated 22.02.2019,

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0544BGR0226419 dated 22.02.2019 for an amount of Rs. 5,29,61,499/- and Rs. 4,86,29,687/- respectively. The said application of plaintiff no.1 was allowed by Hon'ble Court vide order dated 12.03.2019.

Further, it is also noted that Plaintiff no. 1 filed an I.A. 3601/2019 for release of an amount of Rs. 39,86,73,954.77/- alongwith copy of bank guarantee bearing no. 0544BGR0236819 dated 07.03.2019 for an amount of Rs. 39,86,73,954.77/- . The said application of plaintiff no. 1 was also allowed by Hon'ble Court vide order dated 12.03.2019.

Mr. Prashant Panda, senior officer with ICICI Bank Ltd, Commercial Banking Branch, Unit No. 02, Ground Floor and Unit No. A07 First Floor, Solitaire Plaza, DLF Phase III, M.G.Road, Gurugram 122001, present for verification of Bank Guarantee Bank Guarantee bearing no. 0544BGR0226619 dated 22.02.2019, 0544BGR0226419 dated 22.02.2019 and 0544BGR0236819 dated 07.03.2019 for an amount of Rs 5,29,61,499/-, Rs 4,86,29,687/- and Rs. 39,86,73,954.77/- respectively. His statement recorded in this regard.

Statement of Ms. Dipti Bedi Sharma, Authorized Representative of Plaintiff no. 1 also recorded separately qua his affidavits of undertaking (Ex. PY-5 & PY-6) filed in terms of order of Hon'ble Court dated 12.03.2019.

Having regards to the statement of Mr. Prashant Panda and Ms. Dipti Bedi Sharma, Bank Guarantee bearing no. 0544BGR0226619

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dated 22.02.2019, 0544BGR0236819 dated 07.03.2019 and 0544BGR0226419 dated 22.02.2019 for an amount of Rs 5,29,61,499/-, Rs 39,86,73,954.77/- and Rs. 4,86,29,687/- valid upto 21.02.2020 & 06.03.2020 & 21.02.2020 respectively (Ex. PX-4, PX-5 & PX-6) are found in order and accordingly, the same are hereby accepted.

Plaintiff no. 1 is directed to keep the Bank Guarantees (Ex. PX-4, PX-5 & PX-6) alive till the disposal of the case and submit renewed/extended Bank Guarantees atleast four weeks in advance before the expiry of the aforesaid bank guarantees.

In case Plaintiff no. 1 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 Plaintiff no. 1 submitted that in terms of order of Hon'ble Court dated 12.03.2019, the plaintiff no. 1 furnished the Bank Guarantee for an amount of Rs 5,29,61,499/-, Rs 39,86,73,954.77/- and Rs. 4,86,29,687/- (Ex. PX-4, PX-5 & PX-6). Hence, an amount equivalent to the Bank Guarantees (Ex. PX-4, PX-5 & PX-6) be released to the plaintiff no. 1.

Registry is directed to release the amount equivalent to the Bank Guarantee Ex. PX-4, PX-5 & PX-6 to the plaintiff no. 1 in terms of order of Hon'ble Court dated 12.03.2019.

Learned counsel for respondent seeks adjournment stating that respondent is in process of verifying the exact amount in terms of order of the Hon'ble Court dated 29.03.2019, so that the amount is to

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be released to the Govt. of India, in terms of order of Hon'ble court dated 29.03.2019.

List this matter on 10.04.2019.

RAVINDER SINGH (DHJS)
JOINT REGISTRAR (JUDICIAL)

APRIL 02, 2019/cd

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