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

+ **O.M.P.(I) (COMM.) 182/2017**

TELECOMMUNICATIONS CONSULTANTS

INDIA LTD. (TCIL)

..... Petitioner

Through: Mr. Ratan K. Singh and Mr. Nikhil
Krishnan, Advocates

versus

MAHESHWARI BROTHERS LIMITED (MBL)

& ORS.

..... Respondents

Through: Mr. Abhishek Pundir, Advocate for
R-1
Mr. S.L. Gupta and Mr. Mithilesh Pal,
Advocate for R-3

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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31.05.2017

1. This is a petition filed under Section 9 of Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), *inter alia*, praying as under:

a) Direct the respondent no.1 to renew the BG No. 4041516BG0000054 dated 07.04.2016 for Rs.70 Lacs and keep the same alive with other BG No. 4041516BG0000079 dated 28.06.2016 for Rs. 70 Lacs & 4041516BG0000080 dated 28.06.2016 for Rs.30 Lacs till a decision is taken by the Ld. Arbitrator in terms of the Order dated 13.11.2014 in OMP No. 802/2013.

2. The learned counsel for petitioner states that the arbitral tribunal is unable to proceed as the Supreme Court has passed an order staying the arbitral proceedings (in SLP 7708/2015).

3. The learned counsel for the appearing for respondent no. 1 states that the bank guarantee dated 07.04.2016 (BG. No. 4041516BG0000054) for a sum of Rs.70 lakhs has been renewed till 07.10.2017.

4. The other two bank guarantees - BG No. 4041516BG0000079 dated 28.06.2016 for Rs.70 lakhs and 4041516BG0000080 dated 28.06.2016 for Rs.30 lakhs - are due to expire on 28.06.2017. The learned counsel for respondent no. 1 states that the validity of the said bank guarantees will also be extended prior to their expiry. And, the said bank guarantees shall be kept alive for the duration of the arbitral proceedings and would be subject to any order/award that may be passed by the arbitral tribunal.

5. In view of the above statement no further orders are required except to direct that in the event, the above bank guarantees are not renewed for any reason whatsoever, the concerned bank shall, on the strength of this order, consider the bank guarantee(s) to be invoked and remit the money to the petitioner.

6. The petition stands disposed of.

VIBHU BAKHRU, J

MAY 31, 2017

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