

GAHC010260952017



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C) 2499/2017

SRI PARAN JYOTI SAIKIA
S/O- SRI DHARMA SAIKIA, R/O- HOUSE NO. 7, LUTUMA, P.O-
BINOVANAGAR, P.S- FATASIL AMBARI, GUWAHATI-781018, DIST-
KAMRUPM, ASSAM

VERSUS

1:THE ASSAM POWER DISTRIBUTION COMPANY LTD. and 4 ORS
REPRESENTED BY THE MANAGING DIRECTOR, ASSAM POWER
DISTRIBUTION COMPANY LTD., BIJULEE BHAWANANNEX BUILDING,
PALTAN BAZAR, DIST- KAMRUP, PIN- 781001

2:THE MANAGING DIRECTOR
APDCL
BIJULEE BHAWANANNEX BUILDING
PALTAN BAZAR
DIST- KAMRUP
PIN- 781001

3:THE CHIEF GENERAL MANAGER
APDCL
BIJULEE BHAWANANNEX BUILDING
PALTAN BAZAR
DIST- KAMRUP
PIN- 781001

4:THE ALLAHABAD BANK
REPRESENTED BY ITS DEPUTY GENERAL MANAGER
ZONAL OFFICE
G S ROAD
OPP BORA SERVICE STATION
ULUBARI
GUWAHATI
PIN- 781007

5:THE DEPUTY GENERAL MANAGER
ZONAL OFFICE
ALLAHABAD BANK
GS ROAD
OPP BORA SERVICE STATION
ULUBARI
GUWAHATI
PIN- 78100

Advocate for the Petitioner : MR.K KALITA

Advocate for the Respondent : MR.N J DUTTA

**BEFORE
HON BLE MR. JUSTICE PRASANTA KUMAR DEKA**

ORDER

Date : 18-04-2018

Heard Mr A Sarma, learned counsel, appearing for petitioner. Also heard Mr KD Sarma, learned counsel for respondent 1, 2 and 3.

By order dated 4.4.2018 learned counsel for petitioner Mr A Sarma was asked to produce the extended bank guarantee before this court and today he submits that in the bank guarantee undertaken by the bank it is clear and apparent that the guarantee would remain in force till 4.5.2017 and unless a demand or claim under the said guarantee is made with the bank in writing by 4th May 2017, the right under the said guarantee would be forfeited and the bank would be relieved of and discharged from the liabilities, and said that respondent APDCL had submitted its demand/claim on 25.4.2017, much ahead of the date(4.5.2017), and as such the guarantee undertaken by the bank does not need further extension.

On the other hand, Mr KD Sarma submits that the bank is totally

noncommittal when inquired by the respondent APDCL about extension of the bank guarantee dated 4.8.2016 of Allahabad Bank, the respondent 4.

Respondent bank, which was being represented by the learned counsel Mr S Chamaria, however, is not present when the matter was taken up today.

Considering this, and in order to have a clear understanding of the terms of the bank guarantee, presence of Mr Chamaria is required. List the matter again on 25.4.2018 when he will clarify on the issue raised before this court today.

JUDGE

Na/

Comparing Assistant