

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THURSDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO

**:PRESENT:
THE HON'BLE SRI JUSTICE K.LAKSHMAN**

WRIT PETITION NO: 34530 OF 2022

Between:

K. Padmaja, W/o Jaya Reddy,

Petitioner

AND

1. Union of India, Ministry of Railways, Rep. by its General Manager, III Floor, RailNilayam, South Central Railway, Secunderabad.-500025- Telangana.
2. The Divisional Railway Manager, I Floor, Sanchalan Bhavan, Secunderabad Division - South Central Railway.
3. The Senior Divisional Commercial Manager, I Floor, Sanchalan Bhavan, Secunderabad, South Central Railway-500025,
4. The Senior Divisional Finance Manager, III Floor, Sanchalan Bhavan, Secunderabad-South Central Railway-500025.
5. The Manager, UCO Bank, 13-38, Yadav Nagar, Malkajigiri, Hyderabad 500047.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue the WRIT OF MANDAMUS by directing the Respondents not to proceed with the order issued for invocation of Bank Guarantee vide Ir. No. SCR/SC/A/BR/BG/encash dt. 26.08.2022 (Exhibit P-2) and prayed to set aside the same by declaring it as illegal, arbitrary, unconstitutional, consequently direct the Respondents to refund the Bank Guarantee given vide LOA No. C, C 300/VPS/ KZJ/2018- dt.15.03.2019.;

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to grant stay on the operation of the letter issued by Respondents vide No. SCR/SC/A/BR/BG/encash dt. 26.08.2022(Exhibit-P-2) to invoking the Bank guarantee for Rs. 19,09,000(Exhibit-P-1) pending disposal of the above WP.No.34530 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI.P.RAMCHANDER RAO Advocate for the Petitioner and Mrs.T.Suhasini, learned counsel for Respondent Nos.1 to 4 and Mrs.M.Shalini, SC for Respondent No.5, the Court made the following.

ORDER

Mrs. T. Suhasini, learned counsel, takes notice on behalf of respondent Nos.1 to 4, while Mrs. M. Shalini, learned counsel, takes notice on behalf of respondent No.5 bank.

In the impugned letter dated 26.08.2022 addressed by respondent No.4 to respondent No.5, there is no reason assigned for invoking and encashing Bank Guarantee.

However, Mrs. T. Suhasini, learned counsel appearing for respondent Nos.1 to 4, on instructions, would submit that the petitioner is due an amount of Rs.1,06,45,497/- and she seeks time to get specific written instructions.

List on 06.09.2022.

Till then, respondent Nos.2 to 5 are directed not to encash or invoke the subject Bank Guarantee No.1670IGFIN000719, dated 20.05.2019.

**SD/- B. CHANDRA PRAKASH
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The General Manager, Union of India, Ministry of Railways, III Floor, RailNilayam, South Central Railway, Secunderabad.-500025- Telangana.
2. The Divisional Railway Manager, I Floor, Sanchalan Bhavan, Secunderabad Division - South Central Railway.
3. The Senior Divisional Commercial Manager, I Floor, Sanchalan Bhavan, Secunderabad, South Central Railway-500025,
4. The Senior Divisional Finance Manager, III Floor, Sanchalan Bhavan, Secunderabad- South Central Railway-500025.
5. The Manager, UCO Bank, 13-38, Yadav Nagar, Malkajigiri, Hyderabad 500047. (RR-1 to 5 by RPAD)
6. One CC to SRI. P RAMCHANDER RAO Advocate [OPUC]
7. One spare copy

HIGH COURT

KL.J

DATED: 01.09.2022

NOTE: LIST ON 06.09.2022

WP.NO.34530 OF 2022

DIRECTION

