

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 5TH DAY OF MAY, 2020/15TH VAISAKHA, 1942

W.P(C) TMP. NO.270 OF 2020

PETITIONER :

ANSARI. T.,
AGED 37 YEARS, S/O THANGALKUNJU,
MEKKATTUTHARAYIL HOUSE, KALARI,
PANMANA, CHAVARA P.O, KOLLAM DISTRICT,
PIN - 691 583
CONTRACTOR, CHAKKUVALLY MILMA HUB, KOLLAM,

BY ADV. C.S.MANU
S.K.PREMRAJ

RESPONDENTS :

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
CO-OPERATIVE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 011.
2. KERALA CO-OPERATIVE MILK MARKETING FEDERATION
LTD, TRIVANDRUM, REPRESENTED BY ITS MANAGING
DIRECTOR
3. THIRUVANANTHAPURAM REGIONAL CO-OPERATIVE MILK
PRODUCERS UNION LTD,
HEAD OFFICE : THIRUVANANTHAPURAM,
KERALA BHAVAN, PATTOM, THIRUVANANTHAPURAM
PIN - 695 004, REPRESENTED BY ITS SECRETARY.
4. MANAGER,
KOLLAM DAIRY, THEVALLY,
KOLLAM, PIN - 6910 094.
5. STATE BANK OF INDIA,
CHAVARA BRANCH, SANKARAMANGALAM,
KOLLAM DISTRICT, REPRESENTED BY ITS MANAGER

R1 BY SRI. K.P.HARISH, GOVERNMENT PLEADER
R2 & R3 BY
R4 BY
R5 BY

THIS WRIT PETITION (CIVIL) TMP HAVING COME UP FOR ORDERS ON
05.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING :

BECHU KURIAN THOMAS

W.P (C) TMP No.270 of 2020

Dated this the 05th day of May, 2020

ORDER

Admit.

Issue notice to the respondents. Since the Bank Guarantee is valid till 11.06.2023, invocation of the Bank Guarantee during the period of lock down may cause serious prejudice to the petitioner. Hence, there shall be a stay of invocation of Ext.P2 Bank Guarantee on condition that the petitioner deposits an amount of Rs.7,00,000/- (Rupees Seven Lakhs only) with the 4th respondent before 30.05.2020. If the condition is not complied with, the 4th respondent will be a liberty to invoke the Bank Guarantee.

Post the writ petition on 30.05.2020.

**BECHU KURIAN THOMAS
JUDGE**

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : TRUE COPY OF THE ORDER BEARING NUMBER
KD/M/58/2019/3553 DATED 21/01/2019 ISSUED BY THE
4TH RESPONDENT TO THE PETITIONER
- EXT.P2 : TRUE COPY OF THE BANK GUARANTEE DATED 12TH JUNE
2019 OF THE STATE BANK OF INDIA, CHAVARA BRANCH
FOR AN AMOUNT OF RS.21 LAKHS IN FAVOUR OF THE
4TH RESPONDENT, FURNISHED BY THE PETITIONER TO
THE 4TH RESPONDENT.
- EXT.P3 : TRUE COPY OF THE NOTICE DATED 9TH APRIL 2020
ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.
- EXT.P4 : TRUE COPY OF THE REPLY DATED 10TH APRIL 2020
SUBMITTED BY THE PETITIONER TO THE 4TH RESPONDENT.
- EXT.P5 : TRUE COPY OF THE NOTICE DATED 11TH APRIL 2020
ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.
- EXT.P6 : TRUE COPY OF THE NOTICE DATED 18TH APRIL 2020
ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.
- EXT.P7 : TRUE COPY OF THE COMPLAINT DATED 13TH APRIL
2014 SUBMITTED BY THE PETITIONER TO THE
SUB-INSPECTOR OF POLICE, SOORANAD POLICE STATION.
- EXT.P8 : A TRUE COPY OF THE COMPLAINT DATED 22ND APRIL
2020 SUBMITTED BY THE PETITIONER TO THE
DISTRICT POLICE CHIEF, KOLLAM.
- EXT.P9 : TRUE COPY OF THE REPRESENTATION DATED 26-04-2020
SUBMITTED BY THE PETITIONER TO THE 5TH RESPONDENT.

RESPONDENTS' EXHIBITS : NIL

// TRUE COPY//

P..S. TO JUDGE