

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER (STAMP) NO.7833 OF 2016
WITH
CIVIL APPLICATION (STAMP) NO.7834 OF 2016**

POSCO E & C India Private Limited ..Appellant/Org. Plaintiff
Vs.
Sinew Developers Private Limited
& Anr. ..Respondents/Org. Defts.

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Mr. P. S. Dani, Senior Advocate with Mr. Sandeep Grover, Ms. Meghna Rajadhakshya, Ms. Jarunima Vijra and Mr. Umang Singh i/b Mr. Ameya Gokhale for the appellants.
Mr.Parag Sharma i/b Udawadia & Co. for the respondent.

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**CORAM : N.M. JAMDAR, J.
DATED : 14 MARCH 2016**

P.C.:

. Not on board. Taken on production board by way of praecipe, since the regular court is not available today.

2. Heard the learned counsel for the parties.

3. Learned counsel for the parties state that though by order dated 11 March 2016 ad-interim order sought for in favour of the appellant has been refused, Application below Exh.5 is kept for hearing today at 5.15 p.m.

3. Mr. Sharma, the learned counsel for the respondents

states that in view of the fact that the application Exh.5 is kept for final disposal today itself, it is not necessary to pass any order in the appeal.

4. Mr. Dani, the learned Senior Advocate for the appellant submits that if hearing does not take place, the respondents will proceed for encashing the bank guarantee. This apprehension can be taken care by directing the respondents that if the respondents propose to encash the bank guarantee, which the learned counsel for the parties state as of now it has not been encashed, the respondents will give three working days notice to the appellant. Order accordingly. This eventuality will take place only if the hearing is not concluded by the learned Civil Judge, Senior Division at Pune, on the scheduled date.

5. In view of this position, it is not necessary to keep the appeal pending. It is accordingly disposed of. Civil Application does not survive and stands disposed of.

(N.M. JAMDAR, J.)