

## IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION  
IN ITS COMMERCIAL DIVISIONPETITION NO.36 OF 2020  
IN  
COMMERCIAL SUIT (L) NO.185 OF 2020

Transrail Lighting Ltd.

...Petitioner

vs.

Public Electricity Corporation  
Republic of Yemen & Ors.

...Respondents

...

Ms.Ankita Singhanian with Mr.Aviral Sahai with Ms.Kirti Srivastava and  
Ms.Ria Luka i/b. Cyril Amarchand Mangaldas, for the Petitioner.

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**CORAM : G.S. KULKARNI, J.****DATE : 20 February 2020****P.C.:**

Not on board taken on board on a praecipe as moved on behalf of the petitioner and mentioned in view of urgency.

2. This is a petition filed under Clause XII of the Letters Patent. The suit in question is filed in respect of the bank guarantees which are at "Exhibit B" and "Exhibit C" to the plaint. Defendant no.1 is the Foreign corporation having its office at Sana'a Airport Street, P.O.Box No.178, Sana'a, Republic of Yemen. The counter guarantee has been issued by defendant no.2-ICICI Bank Ltd which is having office at Bandra-Kurla Complex, Mumbai and its Global Trade Services Unit Branch is at Senapati Bapat Marg, Lower Parel, Mumbai. The counter guarantees have been issued by defendant no.2-ICICI Bank Ltd. in favour of Qatar National Bank (for short 'QNB') and on receiving SWIFT messages from QNB for extending bank guarantees as per defendant no.1's instructions, the Petitioner/plaintiff intends to restrain the same in the suit. Also

it is stated that the meetings between the parties were held in April 2018 at Mumbai to discuss various options in that context.

3. Having perused the relevant paragraphs as made in the plaint and the averments as made in the leave petition, in my opinion, the material part of the cause of action has arisen at Mumbai within the jurisdiction of this Court and with leave of this Court being granted under Clause XII of the Letters Patent, this Court would have jurisdiction to try and entertain the suit for the reliefs as prayed for.

4. Leave granted. Petition is allowed.

**[G.S. KULKARNI, J.]**