

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 29TH DAY OF JANUARY 2021

THE HON'BLE MS. JUSTICE P.T.ASHA

O.A. No.774 of 2020  
in  
A.No.3266 of 2020

**O.A. No.774 of 2020:-**

In the matter of Arbitral Proceedings between M/s Blue Star Ltd & M/s East Coast Constructions and Industries Ltd. Under Arbitration and Conciliation Act, 1996 Before the Sole Arbitrator Hon'ble Mr.Justice K.Mohan Ram (Retd.,) As in the invoice raised by the Applicant on the Respondent.

M/S. Blue Star Limited,  
Represented by its Authorised Signatory Mr.S.Ganesh,  
Having its regional office at  
No.2, 2<sup>nd</sup> Floor,  
KRM Plaza, Harrington Road,  
Chetpet, Chennai – 600 031.

... Applicant

-Versus-

1.M/s East Coast Construction and Industries Limited,  
Represented by its Managing Director,  
Having its registered office at  
Bulhari Building, No.4 Moores Road,  
Chennai – 600 006.

2. The Hong Kong and Shanghai Banking Corporation Ltd,  
 Represented by its Branch Manager,  
 Having their Branch Office,  
 76, Cathedral Road,  
 Chennai – 600 086.

... Respondents

Original Application praying that this Hon'ble Court be pleased to pass an order of Injunction restraining the First Respondent from invoking the Bank Guarantees viz., (1) B.G.No.FNGMDR090690 dated 04/08/2009 and (2) B.G.No.PEBMDR090694 dated 05/08/2009 issued by the Second Respondent.

**A.No.3266 of 2020:-**

In the matter of Arbitral Proceedings between M/s Blue Star Ltd & M/s East Coast Constructions and Industries Ltd.

Under Arbitration and Conciliation Act, 1996

Before the Sole Arbitrator Hon'ble Mr.Justice K.Mohan Ram (Retd.) As in the invoice raised by the Applicant on the Respondent

&

In the matter of Arbitral Award dated 20/02/2020 passed by the Sole Arbitrator Hon'ble Mr.Justice K.Mohan Ram (Retd.)

M/S. Blue Star Limited,  
 Represented by its Authorised Signatory Mr.S.Ganesh,  
 Having its regional office at  
 No.2, 2<sup>nd</sup> Floor,  
 KRM Plaza, Harrington Road,  
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 Represented by its Branch Manager,  
 Having their Branch Office,  
 76, Cathedral Road,  
 Chennai – 600 086.

.... Respondents

Application praying that this Hon'ble Court be pleased to direct the  
 first Respondent return the Bank Guarantees viz.,  
 (1) B.G.No.FNGMDR090690 dated 04/08/2009 and  
 (2) B.G.No.PEBMDR090694 dated 05/08/2009 issued by the Second  
 Respondent after duly terminating same as per the Arbitration Award dated  
 20/02/2020.

This Original Application and Application coming on this day before  
 this court for hearing the court made the following order:

Mr.P.J. Rishikesh, learned counsel appearing on behalf first  
 respondent on instructions would submit that the first respondent has  
 withdrawn the letter dated 18.11.2020, which was addressed by the first

respondent to the Bank, invoking the Bank Guarantee. He is also instructed to state that the client namely the first respondent will not insist upon the extension of the Bank Guarantee. Recording this undertaking, both the applications stand closed.

Sd/P.T.A.J.  
29.01.2021

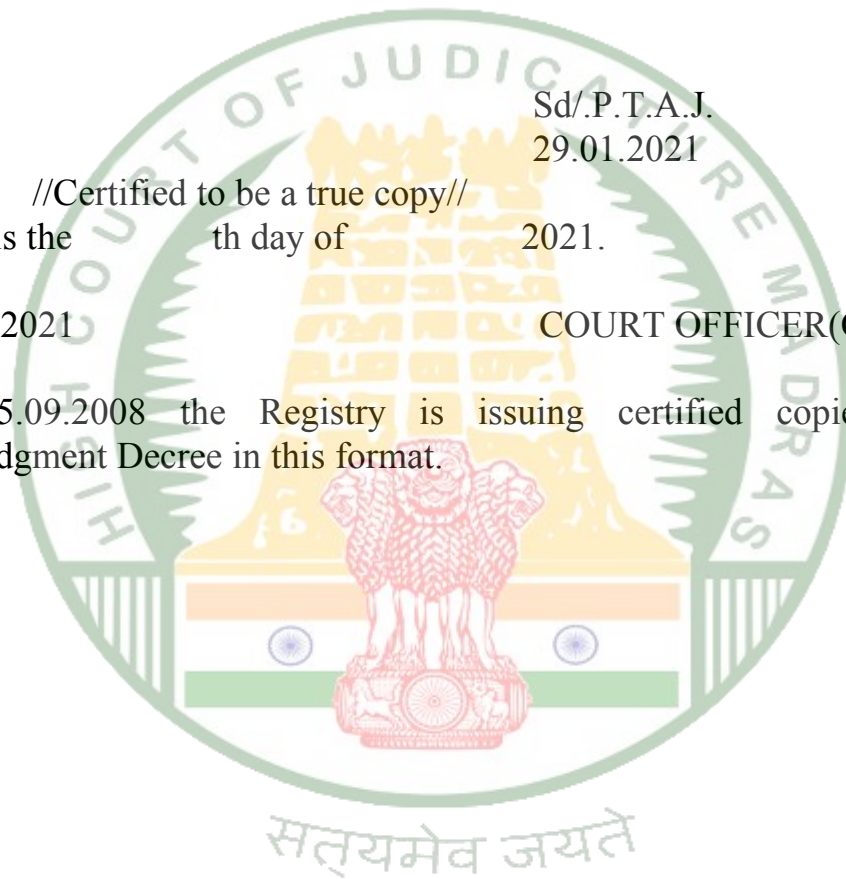
//Certified to be a true copy//

Dated this the                      th day of                      2021.

su.04.02.2021

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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