

6 02.5.2022
Sc Ct. no.8

FMAT 132 OF 2022
with
I.A. No. CAN 1 OF 2022

M/S Laser Power & Infra Private Limited

Vs.

Manipur State Power Distribution
Company Limited

Mr. Sanjay Basu
Mr. P. B. Mullick.

.... For the Plaintiff/
Appellant

We are satisfied that the demand for Additional Performance Security is not covered by the tender norms and, accordingly, the impugned letter dated 13th April, 2022 threatening to black list the appellant for non-submission of the Additional Performance Security amount on or before 20th April, 2022 does not appear to be justified.

On such consideration, the impugned letter dated 13th April, 2022 shall remain stayed for a period eight weeks or until further order, whichever is earlier.

However, in view of the fact that the appeal is arising out of a refusal to pass an ad interim order of injunction, we do not find any necessity to serve a notice upon the respondent at this stage. We are exercising the same jurisdiction as the trial Court ought to have exercised at the time of receiving such application.

In view thereof, we dispose of the appeal and the application by directing the appellant to serve a copy of the plaint petition along with a copy of this order by Speed Post with Acknowledgement Due within one week from date.

The respondent shall be at liberty to file written objection to the injunction application on or before 31st May, 2022 upon prior service to the appellant. The respondent shall be at liberty also to file an application for variation, modification and/or vacating the interim order upon prior notice to the learned advocate for the appellant.

The view expressed by us, *prima facie*, and without hearing the respondent. The trial Court shall not be influenced with the observation made by us in deciding the injunction application on merits and the application for vacating the interim order.

In view of the above, the appeal is disposed of. Accordingly, the application for injunction being I.A.No. CAN 1 OF 2022 is also disposed of.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Sugato Majumdar, J.)

(Soumen Sen, J.)