

ASR
76.
3.11.2022

**FMAT 311 of 2022
With
CAN 1 of 2022
With
CAN 2 of 2022**

**Adani Total Gas Ltd.
Vs.
Jindal (India) Ltd. & Anr.**

**Mr. Anuj Singh
Mr. Aman Agarwal
Mr. Siddhartha Roy
Ms. Trinisha De
Mr. Arun Kumar Singh**

.....for the appellant

**Mr. Anubhav Sinha
Mrs. Arunima Lala**

.....for the respondents

We admit the appeal.

It is from a judgement and order dated 18th June, 2022 made by the learned court below restraining invocation of an unconditional bank guarantee.

The order was passed ex-parte.

The records tell us that this appeal was filed on or about 1st August, 2022. It is listed today and considered by us.

Mr. Singh appearing for the appellant very emphatically submits that this order restraining invocation of an unconditional bank guarantee ought not to have been passed. There is certainly merit in his

submission but we do not think that those merits need be gone into by us today. This is for the reason that the impugned order is of 18th June, 2022 and extended from time to time. We are considering its legality on 3rd November, 2022. In the mean time the injunction has been inforce. We are told that the returnable date of the application which was initially 22nd July, 2022 on extension is now 21st November, 2022.

We think that in the present status quo the learned trial judge should hear out the injunction application on merits and pass a reasoned order within four weeks of the returnable date. We order accordingly. Immediately the appellant is to approach the learned court below for directions to file the Written objection and the reply to it so that on the returnable date i.e. 21st November, 2022 the application is ready for hearing.

All points are kept open before the learned court below.

The appeal and the connected application were heard out dispensing with all formalities.

The appeal and the connected application are disposed of by this order.

(I. P. Mukerji,J.)

(Biswaroop Chowdhury,J)