23.09.2022
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WPA 21590 of 2022

Interminable Commodity Management (India) Pvt. Limited & Anr.
-Vs-
The West Bengal Power Development Corporation Limited & Ors.

Mr. Shiv Shankar Banerjee,
Mr. D. K. Mukhopadhyay
... for the petitioners
Mr. Subhabarata Datta,
Mr. Debashis Sarkar
... for the respondent nos. 1 & 2/WBPDCL

Ms. Radhika Misra
... for the respondent no. 4/Bank

Although the petitioners were protected by an interim order dated 20th September, 2022 in the form of the respondents being directed not to take any further steps in terms of the invocation of bank guarantee, it appears from the submissions of the learned counsel appearing for the WBPDCL and the Bank that the bank guarantee was invoked on 15th September, 2022 and the writ petition was filed on 16th September, 2022. The petitioner was communicated with the decision of invocation on 14th September, 2022.

When the matter was taken up for consideration on 20th September, 2022, this fact was not brought to the notice of the Court either on behalf of the petitioners or on behalf of the respondents.

Since it is also the position of the respondents that the petitioners can take recourse under an arbitration clause in the agreement, this Court is of the view that nothing further remains in the writ petition.

WPA 21590 of 2022 is accordingly disposed of in terms of the above.

The interim order granted earlier shall be vacated.

(Moushumi Bhattacharya, J.)