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IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
Commercial Division

AP/729/2022

SHERISHA ROOFTOP SOLAR SPV THREE PRIVATE LIMITED
VS
THE UNION OF INDIA

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 18th October, 2022.

[Vacation Bench]

Appearance:

Mr. Rohit Das, Adv.
Mrs. Kishwar Rahman, Adv.
Mr. Pranit Biswas, Adv.
Mr. Preetam Majumdar, Adv.
Ms. Subhasri Chatterjee, Adv.
..for the petitioner

Ms. Soumale Bera, Adv.
..for the respondent.

The Court: This is an application under Section 9 of The Arbitration and Conciliation Act, 1996. The petitioner seeks urgent relief against invocation of a bank guarantee by the respondent Eastern Railways.

However, during the course of submissions, learned counsel appearing for the petitioner informs the Court that a meeting was held between the Director of the petitioner and the Chief Electrical Services Engineer, Eastern Railways today itself whereby the petitioner was asked to give a written representation on all points to the Railways.

This Court is hence of the view that entertaining the application of passing any orders thereon may be premature. Since the petitioner has raised an apprehension on the invocation of the performance guarantee furnished by it, the Railways is expected not to take any prejudicial steps against the petitioner until the petitioner has the opportunity of approaching a competent Court against an adverse decision of the Railways.

AP/729/2022 is disposed of on the above basis.

(MOUSHUMI BHATTACHARYA, J.)

D.Ghosh/S.Bag