Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 2756 OF 2022
IN
APPEAL NO. 41 OF 2014

Tata Capital Financial Services Ltd …Applicant
In the matter between
Ramsarup Industries Ltd & Ors ...Appellants
Versus
Tata Capital Financial Services Ltd …Respondent

Dr Birendra Saraf, Senior Advocate, *with Gaurav Jangle, Akshay Sawant, Yash Pitroda & Haripriya Parvatha, for the Applicant.*
Mr Harsh Kesharia, *for Respondent.*

CORAM G.S. Patel &
Prithviraj K Chavan, JJ.
DATED: 27th June 2022

SHEPHALI SANJAY MORMARE

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Date: 2022.06.27 14:39:46 +0530

PC:-

1. The original Appeal No. 41 of 2014 was disposed of by an order dated 17th February 2014. That order by consent required the Respondents to furnish a bank guarantee in the sum in which the sale was confirmed in their favour. This bank guarantee was to be of a Nationalised Bank and was to remain valid pending arbitration and for a period of eight weeks after the Award was made and published.

Then there were other directions regarding withdrawal . The bank guarantee also carried interest at the rate of 12% per annum.

2. It seems that on account of failure to renew the bank guarantee, the Prothonotary & Senior Master of this Court issued a letter of invocation to the issuing bank, Bank of India, MG Road, Mumbai on 14th June 2022.

3. In the meantime, it seems that by an arbitral order dated 23rd June 2022 at the joint request of the parties, the bank guarantee furnished by the Respondent (Claimant in arbitration) pursuant to the order dated 17th February 2014 was ordered to stand discharged and cancelled.

4. The joint request before us today is for a direction to the Bank of India not to act on the invocation by the Prothonotary & Senior Master.

5. We direct the Prothonotary & Senior Master to immediately and urgently issue a letter to the Bank of India withdrawing his invocation of the bank guarantee.

6. In the meantime, we also direct the Bank of India not to act on invocation.

7. The Prothonotary & Senior Master is also directed to return the bank guarantee to the Respondent/Applicant.

8. The Interim Application is disposed of in these terms. There will be no order as to costs.

9. All concerned to act on production of an authenticated copy of this order.

(Prithviraj K Chavan, J) **(G. S. Patel, J)**