

19-09-2023
Item no.7 CD
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
(Commercial Division)

FMAT No.414 of 2023
Hemant Goenka
-vs-
UCO Bank
with
CAN No.1 of 2023

Mr. Jishnu Chowdhury
Mr. Rishav Banerjee
Mr. Kanishk Kejriwal
Mr. Patita Paban Bishwal
Ms. Suranjana Chatterjee ...for the appellant

Mr. Biswarup Mukherjee
Mr. Vinayak Chaubey
Mr. Indranil Munshi ...for the bank

On 14th September 2023, we had admitted the appeal. We had also passed the following interim order:-

“However, considering the prima facie case and the balance of convenience, we restrain the respondent-bank to act in furtherance of their notice dated 19th August 2023 or from making a declaration under the Reserve Bank of India circular dated 1st July 2016 against the appellant till 25th September 2023 or until further order, whichever is earlier.

List the appeal and the connected application for consideration on 19th September 2023.

Advocate-on-record for the appellant shall give another notice to the respondent in the meantime.”

Today, on the returnable date of the stay/injunction application, the respondent-bank is represented by learned counsel.

We notice from the impugned judgement and order dated 4th September 2023 of the learned court below that the interim injunction application is returnable before that court on 27th September 2023.

We are of the view that the interim application be heard out by the said court, upon giving the respondent-bank an opportunity to file a written objection, upon hearing them and within two months from date. We order accordingly.

Our interim order dated 14th September 2023 will continue till the disposal of the interim application. All points are kept open before the learned court below.

While passing the final order in the interim application, the learned court below would be at liberty to vacate, vary or modify our interim order, if the merits of the case so warrant.

Dispensing with all formalities the appeal was heard out.

The appeal and the application (CAN No.1 of 2023) are disposed of by the above order.

[I.P. Mukerji, J]

[Biswaroop Chowdhury, J]

