

OCD-16

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

AP/43/2023

M/S. KRITA ENGINEERING (P) LTD.
VS
SIMPLEX INFRASTRUCTURE LIMITED

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 28th July, 2023.

Appearance:
Mr. Supratim Laha, Adv.
...for the petitioner

Mr. Avishek Banerjee, Adv.
...for the respondent

The Court:- The petitioner's only apprehension is that the respondent will invoke the bank guarantee which was given by the petitioner to the respondent under a contract for setting up of sewerage pipes at Goa. The respondent is the contractor and the petitioner is the sub-contractor with regard to the work. The principal, the P.W.D., Goa, is not a party before the Court.

The petitioner's apprehension is stated in paragraph 28 of the application and paragraph 14 says that the bank guarantee has been extended till 30th September, 2022 with the claim period being extended till 30th September, 2023. The petitioner apprehends that the respondent may take steps to invoke this bank guarantee.

Learned counsel appearing for the respondent submits that there can be no such apprehension since the petitioner has not relied on any communication/ correspondence between the parties. Counsel submits that the bank guarantee has also expired in September, 2022 and has not been renewed thereafter. Counsel submits that the respondent cannot and will not take any steps for invocation of the bank guarantee.

Since no other prayers have been sought for in the present application, AP/43/2023 is disposed of in terms of the position taken on behalf of the respondent and the submissions made by counsel appearing for the respondent that the respondent will not invoke the bank guarantee.

(MOUSHUMI BHATTACHARYA, J.)

sg.