

16th May, 2024
(D/L No.14)
(SKB)

FMAT 181 of 2024
With
CAN 1 of 2024

M/s Amit Metaliks Ltd
Versus
Steel Authority of India Limited and another

Mr. Kishor Datta, Id. A.G.,
Mr. Anirban Ray, Id. G.P.,
Mr. Pijush AGarwal,
Ms. Shrivalli Kajaria,
Mr. Debojyoti Das,
Mr. Shayak Mitra
... for the appellant/applicant.

1. Heard learned counsel for the
appellant/applicant.
2. Perused the order dated 14th May, 2024 which is
impugned in this appeal. The appellant has filed
an application under Order XXXIX Rules 1 and 2
C.P.C. read with Section 151 thereof to restrain
the respondent from invoking the bank guarantee.
3. On perusal of the impugned order, it shows that
no caveat was lodged by the respondent and the
learned court below simply refused the ad interim
prayer sought for by the appellant on the ground
that it would not be appropriate to pass any order
in the suit without hearing the other side. The
impugned order is laconic as it lacks reasoning
and rationale.

4. The learned trial court should have weighed the case on merit and the ingredients for passing an interim injunction without refusing the same by passing a laconic order. No doubt before passing the final order, both the parties should be heard at length and the ingredients of injunction should be discussed by the court at that stage at length.
5. Regard being had to the nature of the order passed, we direct the parties to maintain *status quo ante* as on 14th May, 2024, the date on which the impugned order was passed so far as the bank guarantee is concerned till final disposal of the application under Order XXXIX Rules 1 and 2 of the C.P.C. read with Section 151 thereof.
6. We further direct the learned court below to expedite the process of hearing on issuance of notice to the other side and dispose of the matter as expeditiously as possible finally after hearing the parties at length, of course, by passing a reasoned order. It is needless to mention here that the order passed shall remain in force till the final order of the learned court below passed in the captioned application.
7. We having not discussed anything on merit regarding the claim and counterclaim of the parties, learned court below should not be

influenced by this order in any manner whatsoever and he is free to pass the final order in the captioned application in accordance with law.

8. With the aforesaid observation and in view of the nature of the order passed, we do not think it fit to issue notice to the other side. We have just asked the parties to maintain *status quo* to keep the balance even.
9. Accordingly, the impugned application along with the appeal are disposed of.
10. The appellant is directed to comply with the provision of Order XXXIX Rule 3(a) and (b) C.P.C.
11. Both the parties are directed to act on the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)