

OCD-25

ORDER SHEET  
IN THE HIGH COURT AT CALCUTTA  
COMMERCIAL DIVISION  
ORIGINAL SIDE

IA NO. GA-COM/10/2025  
[OLD NO CS/339/2001]  
In CS-COM/26/2024

POONAWALLA FINCORP LIMITED  
Vs  
FORCE MOTORS LIMITED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : September 25, 2025.

Appearance:  
Mr. Suman Basu. Adv.  
Mr. Subhajit Das, Adv.  
... for the applicant/defendant.

1. By an order dated 15<sup>th</sup> September, 2025, this Court directed the Registrar, Original Side of this Court to submit report whether the CS-COM/26/2004 (old CS-COM/339/2001) is restored or not.
2. The Registrar Original Side has submitted the report where it reveals that till date the suit has not been restored.
3. The defendant has filed the present application being GA-COM/10/2025 praying for an order for allowing the defendant to withdraw the bank guarantee of Rs.15,00,000/- submitted before the Registrar, Original Side of this Court in terms of the order passed by this Court dated 30<sup>th</sup> May, 2006, which was extended from time to time.
4. As per the report by the Registrar, Original Side, the bank guarantee No.0999806BG0000168 dated 05.06.2006 for the sum of Rs.15,00,000/- (Rupees Fifteen Lacs) issued by the State Bank

of India, Corporate Accounts Group Branch (Code-9998), Reliance House, 2<sup>nd</sup> floor, 34, Jawaharlal Nehru Road, Kolkata-700071 was furnished and is lying before the Registrar, Original Side in connection with Old CS No.339 of 2001 (Shrachi Securities Ltd. Vs. Bajaj Tempo Ltd.).

5. Counsel for the plaintiff submits that though initially the name of the parties of the suit was Shrachi Securities Ltd. Vs. Bajaj Tempo Ltd. but subsequently by an order dated 6<sup>th</sup> January, 2023 in GA/8/2022 this Court has allowed the amendment in the cause title of the suit by changing the name of the plaintiff and the defendant as Poonawalla Fincorp Limited Vs. Force Motors Limited.
6. This Court finds that the suit has been dismissed for default by an order dated 13<sup>th</sup> March, 2024 and since then the plaintiff has not taken any steps for restoration of the suit and as on date, there is not suit on record.
7. Accordingly, the Registrar, Original Side of this Court is directed to release the Bank Gurantee No. 0999806BG0000168 dated 5<sup>th</sup> June, 2006 for a sum of Rs.15,00,000/- issued by State Bank of India, Corporate Accounts Group Branch in favour of the defendant within the period of one week after Puja Vacation after proper identification and acknowledgement.
8. GA-COM/10/2025 is disposed of.

(KRISHNA RAO, J.)