



O.A.Nos.289 & 290 of 2024

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KRISHNAN RAMASAMY, J.

These applications have been filed to grant an order of interim injunction restraining the respondents from invoking the performance Bank Guarantees dated 13.04.2023 and 31.01.2023.

2. The learned counsel for the applicant would submit that the applicant, being successful bidder, received LOA from the respondents on 24.02.2023. Subsequently, the applicant is directed to furnish the aforesaid bank guarantees as Bid Security.

3. Further, he would submit that there was a delay in completion of contract, due to the non-providing of work fronts by the respondents to the applicant. In this regard, the applicant had sent several communications to the respondents. However, without considering the same, the respondents had issued notice to the applicant and also they are intend to invoke the bank guarantees, which were executed by the applicant as bid security. Hence, these applications have been filed.



O.A.Nos.289 & 290 of 2024

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4. When this matter was taken up for hearing on 12.04.2024, this Court ordered notice to the respondents. In spite of the service of notice, there is no representation on behalf of the respondents, which shows that they are not interested in contesting this matter.

5. Therefore, considering the submission made by the learned counsel for the applicant and upon perusing the materials available on record, this Court is *prima facie* satisfied as the balance of convenience is in favour of the applicant and is inclined to grant an order of interim injunction for a period of 60 days.

6. Accordingly, there shall be an order of interim injunction for a period of 60 days from today (24.04.2024).

7. In the meantime, the applicant is directed to initiate the arbitration proceedings to adjudicate the dispute between the applicant and the respondent, where, these original applications shall be considered as Section 17 applications and accordingly, the respective parties may make



O.A.Nos.289 & 290 of 2024

submission for further continuation of the interim injunction granted by this Court.

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8. Accordingly, these original applications stand disposed of. No cost.

24.04.2024

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Note: Issue order copy on 25.04.2024



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O.A.Nos.289 & 290 of 2024

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O.A.Nos.289 & 290 of 2024

24.04.2024