



O.A.No.371 of 2024

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KRISHNAN RAMASAMY, J.,

This application has been filed for an order of interim injunction restraining the respondent from invoking the bank guarantee dated 26.08.2021.

2. The learned counsel for the applicant would submit that the respondent had awarded a Contract to the applicant-Company, who is a leading manufacturer and service provider of instrumentation and electrical products, vide Letter of Award dated 19.02.2020. In this regard, the parties had executed an Agreement dated 28.03.2020 and also the applicant had furnished the Bank Guarantee dated 26.08.2021 in favour of the respondent.

3. He would also submit that due to COVID pandemic situation, the applicant had incurred heavy loss and hence, they requested the respondent to release the part retention amount. However, the said request was not considered by the respondent and now, the respondent is trying to invoke the bank guarantee dated 26.08.2021 furnished by the applicant for a sum of



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Rs.44,18,738/-. Hence, he prays for an order of interim injunction.

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4. In the present case, when this matter was taken up for hearing on 23.05.2024, this Court passed the following order:

“There shall be an order of interim injunction as prayed for. However, it is made clear that the applicant shall keep the bank guarantee alive.

*2.Notice to the respondent, returnable by 06.06.2024.
Private notice is also permitted.*

3.Post the matter on 06.06.2024.”

5. The notice, ordered by this Court, was served to the respondent and the name of the respondent was also printed in the cause list. However, today there is no representation on behalf of the respondent, which shows that they are not interested in contesting this matter.

6. Therefore, considering the submissions made by the learned counsel for the applicant and in view of the interim order passed by this Court, this



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Court is satisfied and is inclined to make the said interim order as absolute.

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Accordingly, the interim order already granted by this Court vide order dated 23.05.2024 is made absolute and the Bank Guarantee dated 26.08.2021 shall be kept alive till 30.04.2025.

7. With the above directions, this original application is disposed of.

02.07.2024

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