

19.06.2025
Item No. 01.
Court No.37.
AB
(ID 266019)

AO (COM) 18 of 2025
With
CAN 1 of 2025

Shreesatya Mines Private Limited
Vs
ICICI Bank Limited & Anr.

Mr. Sabyasachi Choudhury, Sr. Adv,
Mr. Rajashri Dutta,
Mr. R. Agarwal,
Ms. Rishika GoyalFor the Appellant.

Mr. Avishek Guha,
Mr. Ankush Majumdar,
Mr. A. K. PanditFor the Bank.

Dictated by Arijit Banerjee, J.

1. This appeal is directed against an order dated June 16, 2025, passed by the learned Judge, Commercial Court at Rajarhat, North 24 Parganas in TS (Com) No.13 of 2025, on an interlocutory application made by the appellant/plaintiff, inter alia, for an order of injunction to restrain the respondent bank from making any payment in respect of a bank guarantee furnished by the appellant in favour of the defendant no.2.
2. The learned Trial Court, while granting leave under Section 12A of the Commercial Courts Act, 2015 and under Section 80 of the Code of Civil Procedure, refused to grant any interim relief and directed notice to be served on the

defendant no.2, in view of the apparent embargo in Section 80(2) of the Code of Civil Procedure.

3. Being aggrieved, the plaintiff has come up by way of this appeal.
4. Today, learned Advocate for the respondent bank says that money under the concerned bank guarantee was already disbursed on June 16, 2025.
5. In that view of the matter, nothing remains in this appeal. The disbursement under the bank guarantee would naturally abide by the result in the application/suit pending before the learned Trial Court.
6. We see from the order impugned that the Trial Court has posted the injunction application for hearing on August 11, 2025. We are of the view that the date should be preponed. We direct the learned Trial Court to hear and dispose of the matter as soon as possible and positively within four weeks from the date of communication of this order.
7. Mr. Chowdhury, learned Senior Counsel appearing for the appellant, says that the appellant has received a letter dated June 18, 2025, from the Ministry of Coal, Government of India, requesting the appellant to renew/extend

the concerned performance guarantee. Let a copy of the letter be kept with the records.

8. Leave is granted to learned Advocate for the respondent bank to file vakalatnama and affidavit of competency in the department by the end of office hours tomorrow (20.06.2025).
9. The appellant shall forthwith serve notice of the injunction application on the defendant no.2 so that the said defendant has the opportunity of being represented when the injunction application is taken up for hearing.
10. The appeal and the connected application are, accordingly, disposed of.
11. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Rai Chattopadhyay, J.)

(Arijit Banerjee, J.)