Company Appeal (AT) No. 233 of 2020

IN THE MATTER OF:

Ashwin Khushaldas Banker   **Appellant**

Vs.

Hitesh Chhaganlal Ambalia & Ors.   **....Respondents**

Present:
For Appellant: Mr. Aniruddha Deshmukh, Advocates.
For Respondents: Mr. Abhijeet Sinha, Ms. Aastha Mehta, Mr. Ravi
                          Pahwa, Mr. Aalay Shah & Ms. Prerna Mohapatra,
                          Advocates for R-1 & 2.

O R D E R
(Virtual Mode)

27.05.2021:   Ld. Counsel Mr. Aniruddha Deshmukh appearing on behalf

of the Appellant submits that recently they have received a letter from the bank

for renewal of bank guarantee. The Respondents are not ready to cooperate for

renewal of bank guarantee, in such a situation the Appellant may be permitted

to renew the bank guarantee under his own signature. Otherwise, the bank

guarantee may be encased and the company has to suffer loss.

        Ld. Counsel appearing on behalf of the Respondent Nos. 1 & 2 opposes

the prayer and submits that the Appellant has not filed any application for

aforesaid interim relief and has not placed on record any document in this

regard. Therefore, such interim relief cannot be granted on oral prayer. It is

also submitted that the matter has already been listed for hearing on 21st June,

2021.

        At this juncture, Ld. Counsel for the Appellant undertakes to file

appropriate application seeking to own up cost of bank guarantee with GST

signed by the Appellant himself for interim relief. However, he submits that he may be exempted from filing notarized affidavit in support of the application because due to lockdown in the city where Appellant resides notarization is not possible.

Prayer allowed. Provide the copy of Application to Counsel Respondent.

The Respondent Counsel may file Reply of the same alongwith documents if any before next date.

Let the matter be fixed for consideration of interim relief on **02nd June, 2021.**

[Justice Jarat Kumar Jain]
Member (Judicial)

[Dr. Ashok Kumar Mishra]
Member (Technical)

SC/md.

Company Appeal (AT) No. 233 of 2020