

IN THE COMMERCIAL COURT AT CITY CIVIL COURT AHMEDABAD

COMMERCIAL CIVIL MISCE. APPLICATION NO.20 OF 2019

Applicant: Simplex Infrastructure Ltd.

Versus

Respondent: RSPL Limited

Appearance:

Mr. N.C. Naik, Ld. Counsel for Mr. Mr. D.M. Desai, Ld. Counsel for the applicant

Mr. Abhishek Mehta, Ld. Counsel for the respondent

ORDER BELOW APPLICATION EXH.21:-

1. Today, after pronouncement of the judgment in the aforesaid matter, Learned Counsel for the applicant has filed the present application for staying the impugned judgment.

2. Learned Counsel for the applicant has submitted that he wants to prefer an appeal before the Hon'ble High Court, therefore, the impugned judgment be stayed.

3. On the other hand, Mr. Abhishek Mehta, Learned Counsel appearing on behalf of the respondent has vehemently opposed the present application. He has submitted that there is no ground for staying the impugned judgment.

4. I have considered the submissions of the Learned Counsels for the parties, advanced at Bar. In the present case, the Court has not granted interim stay, rather the Learned Counsel for the respondent has made the statement at Bar that he will not encash the Bank Guarantee in question, till the pendency of this application.

Today, the application has been finally decided. Hence, in my considered view, there is no ground for granting stay against the invocation of Bank Guarantee as well as termination of the contract.

5. In view of the aforesaid, the present application below Exh.21 is hereby dismissed, with no order as to costs.

Dictated & pronounced in the open court on this 2nd day of April, 2019.

Ahmedabad.

(Moolchand Tyagi)
Judge
Commercial Court
Unique ID Code No.GJ01043

*Safir**