

IN THE COMMERCIAL COURT AT ALIPORE
Present: Smt. Suparna Ray (JO Code:WB00711)

Misc. Case (Arb.) 10 of 2023
Renumbered as Misc. Arb (Com) 63 of 2023
(CNR No: WBSP18-000025-2023)

Durgapur Freight Terminal Private Limited.
.....Petitioner
Vs.
Titagarh Logistics Infrastructure Private Limited & 2 Ors.
.....Respondents

Order No. 51
18.02.2026

Today is fixed for hearing of I.A No. 5/2026 on behalf of respondent no.1 and respondent no.2.

Today is also for filing written objection to this application being I.A No. 6/2026 on behalf of respondents.

Hazira filed on behalf of the petitioner through Ld. Advocate.

Ld. Advocate for the petitioner is present.

Hazira also filed on behalf of the respondent no. 2 through Ld. Advocate.Ld. Advocate for the respondent no. 2 is present.

A petition is filed on behalf of the respondent no. 1 with the prayer to adjourn the arguments on behalf of the respondent no. 1 on the ground stated therein. Ld. Advocate for the respondent no. 1 is present.

Another application also has been filed on behalf of the respondent no. 2 with the prayer to adjourn the arguments on their behalf on the ground stated therein.

Heard Ld. Advocates of both sides.

Considering the prayer of the respondent nos. 1 and 2, let the hearing of I.A. No.05/26 is adjourned for ends of justice.

At this stage, the Ld. Advocate appearing on behalf of the petitioner prays to allow the petitioner to submit further in respect of I.A No. 5/2026.

No objection is raised on behalf of the respondent nos. 1 and 2 against such prayer of the petitioner.

Considered.

Accordingly, fix **05.03.2026 at 03:00 p.m. to 03:30 p.m.** for concluding hearing of I.A No. 5/2026 on behalf of the petitioner positively.

At this stage Ld. Advocate on behalf of the petitioner prays to move the application filed on behalf of the petitioner being registered as I.A No. 6/2026.

Ld. Advocate on behalf of the respondent no. 1 and Ld. Advocate appearing on behalf of the respondent no. 2 submitted that the respondents have nothing to submit in respect of the prayer of the petitioner in I.A No. 6/2026.

It is to be mentioned that no written objection has been filed by the respondents against I.A No. 6/2026 .

Hence , I.A.No. 06/2026 is taken up for hearing.

I have heard Ld. Advocate on behalf of the petitioner.

Perused the instant application.

Record is taken up for passing order in respect of I.A.No.06/2026.

In the instant application the petitioner prays to pass an order with the direction to return the three Bank Guarantees submitted on 19.06.2023 being (i) Bank Guarantees No. 0188NDDG0001424 dated 27.04.2023 for Rs.1,00,00,000/- of the ICICI Bank, (ii) Bank Guarantees No. LOBG601032304416 dated 15.05.2023 for Rs.18,000,000/- of the IDFC First Bank and (iii) Bank Guarantees No. 0188NDDG0003224 dated 16.06.2023 for Rs..93,14,430/- of the ICICI Bank.

From the averments of the instant application it appears that by an order dated January 6,2026, passed by this Court the prayer of the petitioner for acceptance of bank guarantees as prayed for in I.A.No.04/2025 was allowed and in compliance with the said order, the petitioner filed such Bank guarantees with the Learned Registrar at the Alipore Judges Court by a letter of Ld Advocate of the petitioner dated January 7, 2026 (copy annexed as Annexure-D). It is further stated by the petitioner in the instant application that the said bank guarantees were accepted , which would appear in the order dated 21st January, 2026 passed by this Court. Hence, the petitioner is entitled to return the lapsed bank guarantees being no. (i) Bank Guarantees No. 0188NDDG0001424 dated 27.04.2023 for Rs.1,00,00,000/- of the ICICI Bank, (ii) Bank Guarantees No. LOBG601032304416 dated 15.05.2023 for Rs.18,000,000/- of the IDFC First Bank and (iii) Bank Guarantees No. 0188NDDG0003224 dated 16.06.2023 for Rs. 93,14,430/- of the ICICI Bank . Accordingly the petitioner prays to pass necessary direction to return these bank guarantees submitted on June 19,2023.

I perused the instant application filed by the petitioner and other materials on record.

It appears from the record in context that in view of compliance of the Order dated 06.01.2026 of this Court, petitioner submitted the renewed bank guarantees being 190BG0325035001 dated 04.02.2025, 190BG0325035002 dated 04.02.2025 and 190BG0325035003 dated 04.02.2025 before the learned

Registrar, District Judge's Court, South 24 Parganas at Alipore and the same is exposted in the Order dated 21.01.2026.

Therefore, inasmuch as the learned Registrar received the aforesaid renewed bank guarantees in stead of lapsed bank guarantees being Bank Guarantees No. 0188NDDG0001424 dated 27.04.2023 for Rs.1,00,00,000/- of the ICICI Bank, Bank Guarantees No. LOBG601032304416 dated 15.05.2023 for Rs.18,000,000/- of the IDFC First Bank and Bank Guarantees No. 0188NDDG0003224 dated 16.06.2023 for Rs. 93,14,430/- of the ICICI Bank, so the said lapsed Bank Guarantees ought to, *inter alia*, be returned to the petitioner.

However, it appears from the Order dated 19.06.2023 passed by this Court that the said lapsed bank guarantees in context are lying with this Court.

Accordingly, let the said lapsed Bank Guarantees being Bank Guarantee No. 0188NDDG0001424 dated 27.04.2023 for Rs.1,00,00,000/- of the ICICI Bank, Bank Guarantees No. LOBG601032304416 dated 15.05.2023 for Rs.18,000,000/- of the IDFC First Bank and Bank Guarantees No. 0188NDDG0003224 dated 16.06.2023 for Rs. 93,14,430/- of the ICICI Bank lying with this Court be returned to the petitioner on proper receipt and identification.

D.A. to do needful.

Accordingly, the I.A. No. 06 of 2026 is hereby **disposed off**.

To date.

Parties to act accordingly with the downloaded copy of order sheet from Ecourts App / Website.

Dictated & corrected by me,

Sd/-

Judge, Commercial Court at Alipore
For districts of South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram

Sd/-

Judge, Commercial Court at Alipore
For districts of South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram