



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.532 of 2026

M/s. Narayani Motors Pvt. Ltd., ***Petitioner***
Bhubaneswar

Represented by Adv. –
M/s. Avijit Pal, R. Mohapatra

-versus-

M/s. Shell India Market Pvt. Ltd. ***Opposite Parties***
& another

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA
ORDER
25.03.2026

Order No.

01. 1. This matter is taken up through Hybrid mode.
2. Heard the learned counsel for the Petitioner. Perused the CMP application as well as the prayer made therein.
3. The Petitioner, who happens to be the Petitioner in Arbitration Petition No.10 of 2026 pending in the court of the learned Senior Civil Judge (Commercial Court), Bhubaneswar, has approached this Court by filing the present CMP application under Article 227 of the Constitution of India thereby challenging the order dated 19.03.2026 at Annexure-3 wherein the application of the Petitioner under Order-39 Rule-3 of the C.P.C. has been rejected by the learned trial court.
4. Learned counsel for the Petitioner, at the outset,



contended that initially the Petitioner filed ARBP No.10 of 2026 in the court of learned Senior Civil Judge (Commercial Court), Bhubaneswar. Along with the said application the Petitioner also filed an application under Order-39 Rule-3 of the C.P.C. for grant of ad interim ex parte injunction order. Such application was taken up on 19.03.2026 by the In-Charge of learned Senior Civil Judge (Commercial Court), Bhubaneswar. On 19.03.2026, the learned trial court refused to grant the relief as sought for by the Petitioner in the application under Order-39 Rule-3 of the C.P.C. By way of the application under Order-39 Rule-3 of the C.P.C., the Petitioner has sought for an ad interim ex parte injunction order restraining the Opposite Party No.2 not to encash the bank guarantee and to restrain the Opposite Party No.2 not to transfer the bank guarantee to the Opposite Party No.1. Learned counsel for the Petitioner, at this juncture, very fairly submitted that the Opposite Party No.1 has already invoked the bank guarantee. However, money has not been transferred by the Bank-Opposite Party No.2

5. On a careful consideration of the submission made by the learned counsel for the Petitioner, further on a close scrutiny of the factual background of the present case, this Court is of the view that the matter requires further examination in presence of the Opposite Parties.

6. Hence, issue notice to the Opposite Parties by Speed



Post with A.D. by fixing a short returnable date. Requisites be filed within three working days hence.

7. List this matter in the week commencing 13th April, 2026.

I.A. No.593 of 2026

8. Heard the learned counsel for the Petitioner.

9. Issue notice as above.

10. Accept one set of process fee.

11. As an interim measure, it is directed that status quo as on date with regard to the Bank Guarantee No.1202123BG0000003 dated 14.02.2023 shall be maintained till the next date.

(Aditya Kumar Mohapatra)
Judge

Debasis