

CS 42/2016

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

CENTRAL COALFIELDS LTD.
VERSUS
STATE BANK OF INDIA

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: 1st February, 2023.

APPEARANCE:
Mr. A. Banerjee, Adv.
...for the plaintiff.

Mr. Saumya Roy, Adv.
Mr. S. Pal Chowdhury, Adv.
Ms. Diya nandi, Adv.
...for the bank.

The Court:- Counsel for the respective parties are present and have filed their suggested issues. Considered the suggested issues. Heard the Counsel for the respective parties and perused the pleadings. The following issues have been framed:

1. Whether the dispute invocation of the bank guarantees by the plaintiff on 16th April, 2011 the defendant deliberately neglected and failed to pay the said amount under the bank guarantees till 3rd June, 2013?
2. Whether the said bank guarantees were unconditional in nature and on mere demand the defendant had to transfer the funds to the plaintiff?
3. Whether the defendant failed and neglected to release the amount of Rs. 1,80,75000 being the amount under the two bank guarantees till 3rd June, 2013?

4. Whether the plaintiff is entitled to a decree of Rs. 46,69,099/- on account of interest @ 12% for the period 17th April, 2011 till 3rd June, 2013?
5. Whether the plaintiff is entitled to claim further interest @18% per annum on and from 4th June, 2013 till recovery of the entire amount?
6. Whether the suit is not maintainable in law and in fact?
7. Whether the suit is barred under the Laws of Limitation?
8. Whether the suit is barred under Section 34 of the Specific Relief Act and other provisions of the said Act?
9. Whether the suit is barred under Order 2 Rule 2 of the Code of Civil Procedure?
10. Whether the suit suffers from the non-joinder of the necessary parties?
11. Whether there is valid cause of action?
12. Whether the defendant is liable for any delay caused if any in making payment of the amount of the Bank Guarantee?

List the matter on 21st February, 2023 for witness action.

(KRISHNA RAO, J.)