

**Shree Krishan Binani and anr. Vs. Progressive Constructions Limited**

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**SooperKanoon Citation :** [sooperkanoon.com/1157633](http://sooperkanoon.com/1157633)

**Court :** Kolkata

**Decided On :** Jul-18-2014

**Judge :** Arijit Banerjee

**Appellant :** Shree Krishan Binani and anr.

**Respondent :** Progressive Constructions Limited

**Judgement :**

GA No.1840 of 2014 CS No.202 of 2014 IN THE HIGH COURT AT CALCUTTA  
Ordinary Original Civil Jurisdiction SHREE KRISHAN BINANI & ANR.

Versus PROGRESSIVE CONSTRUCTIONS LIMITED BEFORE: The Hon'ble  
JUSTICE ARIJIT BANERJEE Date : 18th July, 2014.

Appearance: Mr.Suman Dutta, Adv.Mr.Kumar Gupta, Adv.Mr.Rajesh Gupta,  
Adv.Mr.Ramesh Dhara, Adv.The Court : The plaintiffs have a money claim against  
the defendant.

The plaintiffs are moving this interlocutory application ex parte to secure their  
claim as they are apprehensive that if the defendant is put on notice, it will remove  
all its assets and monies from bank accounts.

The plaintiffs supplied structural steel and other building materials to the  
defendant.

It is stated that such materials are being used by the defendant in a project of the National Highways Authority of India.

The value of the goods supplied by the plaintiffs was Rs.2,77,67,888/-.

Out of this, a principal sum of Rs.54,77,168/- is still due and payable by the defendant to the plaintiffs.

The plaintiffs demanded the said amount along with interest through their advocates letter dated 8th January, 2014 which has been returned back with the endorsement refused and returned to sender. The plaintiffs are apprehensive that the defendant is avoiding the plaintiffs.

The plaintiffs have ascertained that huge payments are due from the National Highways Authority of India to the defendant and the plaintiffs pray for an order of injunction restraining the defendant from withdrawing any sum from the National Highways Authority of India and its bank accounts including account number 31039680446 held with the State Bank of India without keeping a balance of Rs.95,99,752/-.

Having heard Mr.Suman Dutta, learned counsel for the appearing plaintiffs and having gone through the documents on record, I am of the prima facie view that the defendants conduct is evasive.

apprehension appears to be bona fide and reasonable.

The plaintiffs Balance of convenience would also appear to be in favour of an ad interim order being passed.

Accordingly, defendant whether there will be an order of injunction restraining the by itself or through its men, agents, assigns, subordinates, representatives or otherwise howsoever, from withdrawing any sum from the National Highways Authority of India and/or from its bank accounts including account number 31039680446 held with the State Bank of India without keeping a balance of Rs.54,77,168/- which is the principal claim of the plaintiffs.

Let a copy of the petition be served on the defendant.

The defendant would be at liberty to apply for vacating of this order upon notice to the plaintiffs.

There will also be an interim order in terms of prayer (d) of the petition.

This order will continue for a period of four weeks from date or until further orders, whichever is earlier.

Let the matter appear as New Motion two weeks hence.

Urgent certified photocopies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(ARIJIT BANERJEE, J.) kc.

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