## ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

## SUIT NO.2473/2021

Date Order with signature of Judge

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- 1. For order on CMA No.18124/2021
- 2. For order on CMA No.18125/2021

## **25.10.2021**

Mr. Haider Waheed advocate for plaintiffs.

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- 1. Urgency granted.
- 2. It is inter alia contended that case of the plaintiff is that plaintiff is state owned corporation under the laws of the Peoples' Republic of China and involved in water, hydropower, new energy and infrastructure engineering, built many projects in various countries; that plaintiff participated in tender floated by defendant No.2/Karachi Port Trust for Dredging and Reclamation at Pakistan Deep Water Container Port under a contract; that pursuant to letter of acceptance plaintiff and defendant No.2 entered into a detailed contract agreement dated 23.10.2008 and throughout the project plaintiff continued to spend time, money and other resources to ensure that it would fulfill its contractual obligations, worked diligently and earnestly and achieved overall completion of work on 18th March 2017. It was contended that second condition for the issuance and submission of additional bank guarantee stated that the bank guarantee shall be returned in full amount within one month by KPT once the Engineer determines that an additional bank guarantee needs to be required, contract engineer's report dated 13.11.2021 was issued by defendant No.4 after additional bank guarantee was furnished by plaintiff and that additional bank guarantee was not ripe for encashment; however defendant No.2

issued impugned encashment notice against the additional bank guarantee.

Be that as it may, issue notice to defendants, A.G. Sindh as well DAG for 27.10.2021. Meanwhile operation of impugned encashment notice against additional bank guarantee No.CPBD/2116/080035 dated 09.02.2021 is suspended.

JUDGE

ΙK