

**IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(STATUTORY ORIGINAL JURISDICTION)**

**Arbitration Application No.35 of 2011.**

**IN THE MATTER OF:**

An application under section 7Ka of the  
Arbitration Act, 2001.

And

**IN THE MATTER OF:**

Summit Industrial and Mercantile Corporation  
(Pvt.) Ltd., and another.

..... Petitioners.

-Versus-

Bangladesh Power Development Board and  
another.

..... Respondents.

No one appears.

..... For the Petitioners.

No one appears.

..... For the Respondents.

**The 17<sup>th</sup> day of July, 2025.**

Present:

**Mr. Justice Md. Toufiq Inam**

This application under section 7A of the Arbitration Act, 2001 was filed by the petitioners, Summit Industrial and Mercantile Corporation (Pvt.) Ltd. and another, seeking interim protection by way of an order of injunction restraining respondent No. 1 from encashing Bank Guarantee No. 141 of 2010 dated 03.10.2010, issued by respondent No. 2 as proposal security in connection with the 52.2054 MW capacity power plant project at Shantahar.

On 19.12.2011, this Court initially admitted the application and passed an ad-interim order restraining the respondents from encashing the said bank guarantee.

Subsequently, by order dated 29.12.2011, the bench which had earlier admitted the petition and passed the order, held that it lacked jurisdiction to hear the application under section 7A of the Arbitration Act, 2001. Accordingly, the order dated 19.11.2011 was recalled, with liberty granted to the petitioners to mention the matter before the appropriate bench for hearing.

However, from the record, it appears that no steps were taken by the petitioners to mention or refile the application before the competent bench for admission.

The matter has been placed before this Court pursuant to an order of the Hon'ble Chief Justice. However, today, none appears to press the application.

It is evident from the record that Arbitration Application No. 35 of 2011 has not been properly placed by the petitioners before a bench with jurisdiction for admission and hearing. As a result, the matter has remained dormant and has effectively become infructuous.

In view of the above, the application is summarily rejected.

Let this order be communicated accordingly.

**(Justice Md. Toufiq Inam)**