IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (W) NO.2564/2019 IN WRIT PETITION NO. 8219/2017
M/S. Sai Wardha Power General Ltd. And others vs. M/s. Fuelco Coal (India) Ltd.

Office notes Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

Shri N.A.Padhye, counsel for the petitioner/ non-applicant.
Shri A.Shelat, counsel for respondent/applicant.

CORAM : A.S.CHANDURKAR, J.
DATED : September 24, 2019

The challenge raised in the present writ petition is to an order passed by the Commercial Court rejecting the application that was preferred under Section 8 of the Arbitration and Conciliation Act, 1996. Civil Application No.2564/2019 has been filed by the respondent to bring on record subsequent events. The Creditors of the petitioner-Company have approached the National Company Law Tribunal, Hyderabad under the provisions of Section 7 of the Insolvency and Bankruptcy Act 2016. The said petition has been admitted for further consideration and moratorium has been accordingly declared. Hence it is prayed that in view of these subsequent developments, the respondent herein be permitted to withdraw the Commercial Civil Suit No.04/2016 pending with the Commercial Court at Nagpur with a liberty to approach the proper forum for adjudication of its claim.

In view of the aforesaid undisputed facts, the respondent is permitted to withdraw the Commercial Suit No.4/2016 that is pending before the Commercial Court at Nagpur. The respondent would be entitled to receive the refund of court fees in accordance with rules. It is further granted liberty to approach the appropriate forum for adjudication of it's claims.

In view of the withdrawal of the aforesaid suit, the writ petition is disposed of as having been rendered infructuous. Civil application and the writ petition are accordingly disposed of.

JUDGE

Andurkar.