

06 19.6.2023

Ct-37

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**In the High Court at Calcutta
Civil Appellate Jurisdiction
Commercial Division**

**FMAT 173 of 2023
with
CAN 1 of 2023**

**Al Amin Garment Haat Private Limited
Vs.
Cosmic MAPL JV**

Mr. Rajeev Kumar Jain
Mr. Sounak Sengupta
Ms. Laila Khatun
Ms. Sreyais Chatterjee
... For the Appellant

Mr. Surajit Nath Mitra, Sr. Adv
Mr. Deepak Kumar Jain
Mr. Rajarshi Dutta
... For the Respondent

In view of the fact that the Arbitral Tribunal has been constituted during the pendency of the proceeding under Section 9 of the Arbitration and Conciliation Act 1996. But before the impugned order was passed and that the impugned order was alive till 5th May, 2023, in between the parties have filed an application under Section 17 of the Arbitration and Conciliation Act 1996.

On such consideration, this appeal has now become infructuous.

The appeal being FMAT 173 of 2023 is accordingly dismissed as infructuous.

In view of the dismissal of the appeal CAN 1 of 2023 is also dismissed.

There will be no order as to costs.

(Uday Kumar,J.)

(Soumen Sen, J.)

