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Ct-08

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FMAT(ARBAWARD) 52 of 2023

Eastern Coalfields Limited
Vs.
BGM & M RPL JMCT(JV) of Babupara

with
FMAT(ARBAWARD) 56 of 2023

Eastern Coalfields Limited
Vs.
BGM & M RPL JMCT(JV) of Babupara

Mr. Debnath Ghosh
Syed N. Arefin
Mr. Rahul Singh
Syed M. Arefin
Ms. Rashmi Binayak
... For the Appellant

Mr. Debajyoti Basu
Mr. Subhojit Seal
Mr. Diptomoy Jalakdar
Mr. Dibyendu Ghosh
... For the Respondent

1. This matter has come at the instance of the appellant for correction of the order dated 18th December, 2023.

2. The appeal being FMAT (ARBAWARD) 52 of 2023 was heard on 18th December, 2023 along with FMAT (ARBAWARD) 56 of 2023. FMAT (ARBAWARD) 56 of 2023 was published in the supplementary list on that date and disposed of in terms of the order passed in FMAT (ARBAWARD) 52 of 2023 with CAN 1 of 2023. The order passed in FMAT (ARBAWARD) 56 of 2023 shall also form part of FMAT (ARBAWARD) 52 of 2023 and same should have been reflected

in the cause title before the appearance of learned advocates in the said order.

3. There are few typographical errors in the said order.

4. In the first paragraph at page 1 in the last but one sentence instead of the word **“of”** it should read as **“or”**. In the second paragraph at page 1 the second sentence shall stand deleted and replaced by the following sentence:-

“The appellant appeared on 23rd November, 2023.”

5. In second paragraph at page 2 in the last sentence after the word **“notice”** the word ***“inviting tender”*** shall be added. In the fourth paragraph of the same page in the second line instead of the word **“Commissioner”** it should read as ***“Commercial”***. In the same paragraph in the third line instead of the word **“inforcibility”** it should read as ***“enforceability”***.

6. In the fourth paragraph at the same page in the tenth line instead of the word **“Commissioner”** it should read as ***“Commercial”*** and the same line instead of the word **“constitutional”** it should read as ***“contractual”***. In the same paragraph at page 2

in the last sentence instead of the word **“Commissioner”** it should read as **“Commercial”**.

7. At page 3 in the third line after the words **“there is”** the word **“an”** should be inserted and at the same page seventh line from top after the word **“Court”** the rest of the sentence (*wouldassumable to be maintainable*) shall stand deleted by inserting the following sentence:-

“The Court would not be entitled to pass any order in the said Section 9 application unless the court is satisfied that conditions for challenging a show-cause notice and fulfilled.”

In the last but one sentence in the newly fresh paragraph the word **“respondent”** shall be replaced by **“petitioner”** and the word appearing thereafter namely, **“authorities”** shall stand deleted.

8. The name of **Mr. Subhojit Seal**, learned advocate on record shall appear immediately after Mr. Dibyendu Ghosh, as one of the appearing counsel for the respondent in the first page.

9. Let these corrections be incorporated in the order dated 18th December, 2023.

10. The server copy shall be corrected accordingly.

(Uday Kumar,J.)

(Soumen Sen, J.)