

Item 4. 12-11-2024

sg Ct. 37

**In The High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side
Commercial Division**

**FMAT (Arbaward) 42 of 2023
CAN 1 of 2023**

Eastern Coalfields Limited & Ors.
Versus
M/s. Essal RRE Enterprise (JV) & Anr.

Mr. Sayed Nurul Arefin
Mr. Syed Moyeenul Arefin
...for the appellants

1. Mr. Sayed Nurul Arefin, learned Counsel appearing on behalf of the appellants has drawn our attention to an order dated 7th December, 2023 in a Misc. Arbitration Case 06/2023 passed by the Judge, Commercial Court, Asansol, wherefrom it appears that the applicants namely, the respondents herein have withdrawn the application filed under Section 9 of the Arbitration and Conciliation Act accepting that there is no arbitration clause in the agreement.

2. In view of the above, this appeal has now become infructuous and stands dismissed as withdrawn. The application being CAN 1 of 2023 is, accordingly, disposed of.

3. The order dated 7th December, 2023 produced in Court is taken on record.

(Soumen Sen, J.)

(Ajay Kumar Gupta, J.)

