

25.11.2024.
Item No. 2 & 3
Court No. 13
Sudipta

FMAT 390 of 2024
With
I.A. No. CAN 1 of 2024

Kube Autotech Pvt. Ltd. & Ors.
Versus
M/s. Uργο Capital Ltd.

With
FMAT 391 of 2024
With
I.A. No. CAN 1 of 2024

Kube Autotech Pvt. Ltd. & Ors.
Versus
M/s. Uργο Capital Ltd.

Mr. Debnath Ganguly,
Mr. J. Pandey,
Mr. Supriyo Dutta.

...For the Appellants.

Mr. Paritosh Sinha,
Mr. Amitava Mitra,
Ms. Sonia Nandy.

....For the Respondent.

1. Learned counsel for the respondent, M/s. Uργο Capital Ltd., submits that he has instruction to withdraw the Section 9 application filed before the City Civil Court, Kolkata. It is submitted that the arbitration proceedings have commenced and his client has applied under Section 17 before the Arbitral Tribunal.
2. The withdrawal of the application under Section 9 is allowed with liberty to make prayers under the Section 17 of the Act of 1996 on application already filed by the claimant, before the Arbitral Tribunal.

3. In that view of the matter, the impugned order passed under Section 9 by the City Civil Court, Kolkata, dated 12th August 2024 and the subsequent orders in connection therewith shall stand set aside. The application itself shall stand dismissed.
4. FMAT 390 of 2024 therefore has become infructuous and as such disposed of. Consequently FMAT 391 of 2024 shall also stand disposed of as infructuous.
5. In view of the above, all connected applications shall also stand disposed of.
6. There shall be no order as to costs.
7. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)