

ORDER SHEET
OCD-2

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
(COMMERCIAL DIVISION)

AP-COM/66/2024
M/S IMPLEX SERVICE LIMITED
VERSUS
ANIL AGARWAL

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 7th February, 2024.

Appearance:
Mr. Biswaroop Ghosh, Adv.
For petitioner
Mr. Shaunak Ghosh, Adv.
For respondent

The Court :- It is submitted on behalf of the petitioner that an out of Court settlement has been arrived at between the petitioner and the respondent pursuant to which the petitioner has received a cheque for the settlement amount from the respondent. The petitioner has instructed it's advocate-on-record to withdraw the case.

The written communication dated 7th February, 2024 received by the learned advocate for the petitioner from his client asking him to withdraw the case, which is placed before this Court is kept on record.

This is an application under Section 9 of the Arbitration and Conciliation Act, 1996. The petitioner, a non-banking financial company(hereinafter referred to as a NBFC) had, inter alia, sought injunction in respect of an immovable property said to have been mortgaged by the respondent to the petitioner for availing a loan which the respondent was attempting to deal with and/or dispose of after

having committed default in paying the equated monthly instalment for repayment of the loan. Since the petitioner says to have received the amount arrived at out of Court settlement between the parties and the respondent acknowledges for interim measure to have issued a cheque for the settlement amount, nothing survives in this application for being adjudicated. The application being AP-COM/66/2024 is dismissed as withdrawn.

(ARINDAM MUKHERJEE, J.)

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