

**Vs. Glencore Coal Queensland Pty. Ltd. and anr.Respo**

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**SooperKanoon Citation : [sooperkanoon.com/1130245](http://sooperkanoon.com/1130245)**

**Court : Kolkata**

**Decided On : Feb-27-2014**

**Judge : I. P. Mukerji**

**Respondent : Glencore Coal Queensland Pty. Ltd. and anr.Respo**

**Judgement :**

ORDER

SHEET T.A.No.24 of 2014 With T.

No.60 of 2014 IN THE HIGH COURT AT CALCUTTA ORIGINAL SIDE VISA  
STEEL LTD.Versus GLENCORE COAL QUEENSLAND PTY.

LTD.& ANR.

Petitioner Respondents BEFORE: The Hon'ble JUSTICE I.P.MUKERJ.Date : 27th  
February, 2014.

For Petitioner : Mr.Pratap Chatterjee, Sr.Adv.with Mr.Ratnanko Banerjee,  
Mr.Sabyasachi Chowdhury & Ms.A.Bansal, Adversus By an order dated 17th April,  
2012 in T.A.No.51 of 2012 with C.S.No.135 of 2012 [Visa Steel LTD.versus  
Xstrata Coal Queensland Pty.

LTD.& Anr.], this Court had restrained the respondents from taking any steps on  
the basis of the notices dated 21st March, 2012 and 10th April, 2012 or for

proceeding in arbitration against the petitioner.

Order was also passed restraining the respondents from proceeding with arbitration or filing of any proceeding before the English Courts on the basis of the said notices.

The reasons for restraining the respondents from such proceeding were mentioned in the said order of this Court, the substantial reason being that admittedly there could not be any dispute between the petitioner and the respondents.

It is said that to circumvent the said orders of this Court, the self same respondents are trying to proceed before the Cantonal Court, Zug, Switzerland, on the basis of the notice dated 18th October, 2013.

As of today, there is a pending proceeding in that Court.

The respondents are trying to challenge the accord and settlement between the parties on the basis of which this Court held that there was no dispute between the parties.

On the basis of the same reasoning, as made in the earlier order of this Court, I pass an order in terms of prayers (a) and (b) of the Notice of Motion till 30th April, 2014 or until further orders whichever is earlier.

Let notice of this application be served on the respondents.

This order is passed ex parte considering the urgent circumstances cited by Mr.Chatterjee, learned Senior Advocate for the petitioner.

List this application on 17th March, 2014.

Leave is granted to the learned Advocate on record for the petitioner to communicate the gist of this order by any means of swift communication.

All parties concerned are to act on a signed copy of the minutes of this order on the usual undertakings.

(I.P.MUKERJI, J.) K.

Banerjee A.R.[C.R.].

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