

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(STATUTORY ORIGINAL JURISDICTION)

Arbitration Application No.07 of 2017.

IN THE MATTER OF:

An application for temporary injunction under
section 7A, 1(e) of the Arbitration Act, 2001
(as amended 2004).

And

IN THE MATTER OF:

Khulna Industrial Com. Limited
(Represented by Mr. Ding Xu).

..... Petitioner.

-Versus-

Z.M. International.
(Represented by Md. Zobair).

..... Respondent.

Mr. Md. Idrish Molla, Advocate,

..... For the Petitioner.

No one appears.

..... For the Respondent.

The 16th day of July, 2025.

Present:

Mr. Justice Md. Toufiq Inam

This application under section 7A(1)(e) of the Arbitration Act, 2001
(as amended in 2004), was filed before this Court seeking an order of
injunction. Upon finding a prima facie case, a Rule was issued calling
upon the respondents to show cause as to why they should not be
restrained by an order of injunction from selling or transferring the

property described in paragraph 9 of the petition to any third party without prior permission of this Court, or until disposal of Arbitration Case No. R20161148, pending before the China International Economic and Trade Arbitration Commission (CIETAC), Beijing, China, and/or to pass such other or further order(s) as this Court may deem fit and proper.

At the time of issuance of the Rule, this Court, on 07.06.2017, passed an ad-interim order restraining the respondents from selling or transferring the scheduled property to any other person(s) for a limited period. The order of injunction was subsequently extended from time to time and was lastly extended on 27.06.2021 for a further period of six months.

The matter has been sent to this Court by the Hon'ble Chief Justice for hearing. When the matter is taken up, Mr. Md. Idris Molla, learned Advocate for the petitioner, at the very outset informed this Court that the Arbitration Case being No. R20161148, which was pending before CIETAC, Beijing, has since been disposed of by an arbitral award. He further submitted that he has not been able to obtain further instruction from the petitioner regarding the present status of the matter.

None appears on behalf of the respondents despite service of notice.

It appears from the record that the Rule was issued primarily with an interim order of injunction in respect of the scheduled property pending disposal of the Arbitration Case No. R20161148. Since that arbitration proceeding has already been concluded by delivery of an award, and further since no steps were taken by the petitioner to extend the interim order of injunction after its expiry on 27.12.2021, the prayer for continued injunction no longer survives.

In view of the above facts and circumstances, this Court is of the view that the Rule has become infructuous.

Accordingly, the Arbitration application is disposed of as being infructuous.

There shall be no order as to costs.

Let this order be communicated at once.

(Justice Md. Toufiq Inam)

Ashraf/ABO.