



IN THE COMPETITION
APPEAL TRIBUNAL

Case: 1106/5/7/08

BETWEEN:

ENRON COAL SERVICES LIMITED (in liquidation)

Claimant

-and-

ENGLISH WELSH & SCOTTISH RAILWAY LIMITED

Defendant

ORDER

UPON reading the application notice dated 7 January 2009 filed by the Defendant in the above proceedings

AND UPON hearing Counsel for the Claimant and for the Defendant

IT IS ORDERED THAT:

1. Paragraphs 31 to 33 of the Claim Form be rejected pursuant to Rule 40 of the Competition Appeal Tribunal Rules 2003.
2. The Defendant's application that the Tribunal reject paragraphs 34 to 43 of the Claim Form be refused.
3. Costs shall be reserved.

Lord Carlile of Berriew Q.C.
Chairman of the Competition Appeal Tribunal

Made: 12 March 2009
Drawn: 12 March 2009