

WEDNESDAY 19TH JANUARY 2011

**IN THE COURT OF APPEAL**

020543

ON APPEAL FROM THE COMPETITION APPEAL TRIBUNAL

110655708

**BEFORE** LORD JUSTICE JACOB  
LORD JUSTICE LLOYD  
And LORD JUSTICE PATTEN

**B E T W E E N**

ENRON COAL SERVICES LIMITED(in liquidation)

CLAIMANT/APPELLANT

- and -

ENGLISH WELSH & SCOTTISH RAILWAY LIMITED

DEFENDANT/RESPONDENT

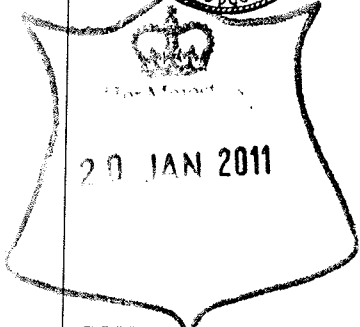
**ON READING** the Appellant's Notice sealed on the 23rd February 2010 filed on behalf of the Appellant on appeal from the order of the Competition Appeal Tribunal dated 21st December 2009

**AND ON HEARING** Paul Lasok QC and Daniel Beard for the Appellant, Mark Brealey QC and Maya Lester for the Respondent

**IT IS ORDERED** that:

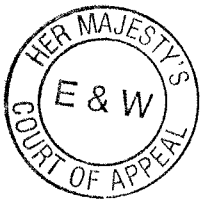
- (a) The appeal is dismissed.
- (b) The Appellant shall pay the Respondent's costs of this appeal, to be assessed in detail if not agreed.
- (c) The Appellant's application for permission to appeal to the Supreme Court of the United Kingdom be refused.

*By the Court*



COURT 67  
Appeal No.

C3/2010/0404



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ORDER

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Freshfields Bruckhaus Deringer Llp  
Dx 23  
Chancery Lane  
Ref: JAL/BCT/EW/BH/DH

Orrick Herrington & Sutcliffe (Europe) Llp  
Dx 557  
London/City  
Ref: 21529.2

Competition Appeal Tribunal  
Victoria House  
Bloomsbury Place  
London WC1A 2EB

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\* This order was drawn by Ms A Lehane (Associate) to whom all enquiries regarding this order should be made. When communicating with the Court please address correspondence to Ms A Lehane, Civil Appeals Office, Room E307, Royal Courts of Justice, Strand, London WC2A 2LL (DX 44450 Strand) and quote the Court of Appeal reference number. The Associate's telephone number is 020 7947 6879