

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 5642-5644 OF 2007

VARSHA HILL FORT RESORTS PVT.LTD.

Appellant (s)

VERSUS

ANIL KUMAR & ORS.

Respondent(s)

(With prayer for interim relief and office report)

WITH Civil Appeal NO. 5645-5647 of 2007
(With appln.(s) for early hearing and office report)

Date: 19/05/2009 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR
HON'BLE MR. JUSTICE R.M. LODHA
[VACATION BENCH]

For Appellant(s) Mr. C.A. Sundaram, Sr. Adv.
Ms. Ritu Bhalla, Adv.
Mr. Dhruv Dewan, Adv.
Mr. Monark Gahlot, Adv.
for M/S Suresh A. Shroff & Co.,Adv.

For Respondent(s) Mr. Rajive Sawhney, Sr. Adv.
Ms.Jyoti Mendiratta,Adv.
Mr. Vineet Jhanji, Adv.

UPON hearing counsel the Court made the following
ORDER

The appeals are disposed of in terms of the signed order.

(Ravi P. Verma)
Court Master

(M.S. Negi)
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5642-5644 OF 2007

VARSHA HILL FORT RESORTS PVT.
LTD.

.....APPELLANT(S)

Versus

ANIL KUMAR & ORS.

.....RESPONDENT(S)

WITH CIVIL APPEAL NOS. 5645-5647 OF 2007

ORDER

Shri Rajive Sawhney, learned senior counsel appearing on behalf of respondent No.1 submits that his original application under Section 11(6) of the Arbitration and Conciliation Act filed in High Court over which the impugned order is passed should be allowed to be withdrawn as another application under Section 11(6) in the same matter is pending before the Hon'ble Chief Justice of India on the ground

that this is an international arbitration.

2. In the circumstances, we permit the withdrawal of the original application under Section 11(6) filed before the High Court. Needless to mention that the said withdrawal shall set at naught the order passed over that application which is impugned before us. The parties are free to raise all the question of law including the question about the existence of the arbitration agreement in the subsequently filed application under Section 11(6) of the Arbitration Act.

3. In view of the above, the appeals are disposed of.

.....J.
(V.S. SIRPURKAR)

New Delhi;
May 19, 2009. (R.M. LODHA)