

ITEM NO.44

COURT NO.6

SECTION IVA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petitions for Special Leave to Appeal (C) Nos. 22559-22562/2010

(Arising out of impugned final judgment and order dated 23/11/2009 in CMP No. 40/2009, CMP No. 41/2009 and order dated 08/04/2010 in RP No. 8/2010 and RP No. 9/2010 08/04/2010 in CMP No. 40/2009 and CMP No. 41/2009 passed by the High Court of Karnataka at Bangalore)

FUTURE METALS P.LTD. & ANR.

Petitioner(s)

VERSUS

STCL LTD.

Respondent(s)

(With application for directions and discharge of advocate on record and prayer for interim relief and office report)

Date : 08/02/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA  
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Mritunjai Singh, Adv.  
For M/s. Lawyer S Knit & Co, Adv.

For Respondent(s)

Mr. E. C. Agrawala, A.O.R.  
  
Mr. Harin P. Raval, Sr. Adv.  
Mr. Kunal Verma, A.O.R.

UPON hearing counsel the Court made the following  
O R D E R

We find that before filing this application for discharge, the present counsel issued No Objection Certificate to the petitioners in the year 2013. However,, we do not find any other counsel seeking to represent the petitioners.

Application seeking discharge of Advocate on Record is allowed and the present counsel is discharged.

Mr. Harin P. Raval, learned senior counsel appearing for respondent drew our attention to the impugned order wherein we find that in the order of the learned Judge dated 23<sup>rd</sup> November, 2009 a learned Former Judge of this Court was appointed as Sole Arbitrator to resolve the dispute between the parties. Para 5 of the said order discloses that both the parties agreed for the appointment of the Sole Arbitrator. Subsequently, review application was filed contending that after the commencement of the arbitral proceedings the respondent wanted some clarification to be obtained from the High Court by filing an application for review. The High Court after a detailed consideration of the stand of the respondent held that such a claim now made in the Review Application cannot be considered and that the arbitral proceedings are in terms of the contract and consequently, the same will have to be proceeded with.

In the light of the said reasoning which weighed with the High Court in the Review

Application and the further fact that initially, the appointment of the Arbitrator came to be made by consent of both the parties, we do not find any scope to entertain these Special Leave Petitions and the same are dismissed..

[KALYANI GUPTA]  
COURT MASTER

[SHARDA KAPOOR]  
COURT MASTER