

SLP(C) Nos. 22559-22562 of 2010

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

RECORD OF PROCEEDINGS

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&#39;BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

HON&#39;BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Mr. Mritunjai Singh, Adv.

For M/s. Lawyer S Knit & Co, Advs.

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.

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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 rd

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

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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  
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