

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s). 27394-27397/2010

(From the judgement and order dated 17/05/2010 in WPC No.44/2009 , WPC No.9178/2009 , WPC No.9674/2009 , WPC No.9677/2009 of The HIGH COURT OF DELHI AT NEW DELHI)

TRACK INNOVATIONS INDIA P.LTD. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With prayer for interim relief and office report)

WITH SLP(C) NO. 27421 of 2010
(With prayer for interim relief and office report)

SLP(C) NO. 27423 of 2010
(With prayer for interim relief and office report)

Date: 14/10/2011 These Petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE CYRIAC JOSEPH
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s)
Mr. A.K. Ganguli, Sr.Adv.
Mr. Abhijeet Sinha, Adv.
Mr. Arijit Mazumdar, Adv.
Ms. N.Annapoorani,Adv.

For Respondent(s)
Mr. P.P. Malhotra, ASG
Mr. Vivek Narayan Sharma, Adv.
Mr. Kunal Bhari, Adv.
Mr. Arvind Kumar Sharma

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

After arguing for some time, Mr. A.K. Ganguli,
learned senior counsel appearing for the petitioners
submitted that these Special Leave Petitions may be

-2-

allowed to be withdrawn with liberty to the petitioners
to invoke the arbitration clause in the contracts.

Learned senior counsel also submitted that since the
High Court has observed that disputed questions of facts
arose for decision in these cases and refused to decide

such disputed questions of facts, any observation or
finding on the merit of the contentions of the

petitioners may not prejudice their claims before the Arbitrator.

Mr. P.P. Malhotra, learned Additional Solicitor General appearing for the respondents submitted that he has no objection to the petitioners withdrawing the Special Leave Petitions with liberty to invoke the arbitration clause in the contracts.

Having regard to the facts and circumstances of the cases, we are inclined to accept the above suggestion made by learned senior counsel for the petitioners.

Accordingly, these Special Leave Petitions are dismissed as withdrawn with liberty to the petitioners to invoke the arbitration clause in the contracts.

However, we make it clear that any observation or finding of the High Court on the merit of the contentions of the petitioners will not prejudice their claims before the Arbitrator.

(Sukhbir Paul Kaur) (Renuka Sadana)
Court Master Court Master