

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
ARBITRATION PETITION (L) NO. 12 OF 2017**

Xalted Information Systems Pvt	...Petitioner
<i>Versus</i>	
Smartworld Intel Solutions & Ors	...Respondents

Mr SK Cooper, a/w *Mr Yash Momaya a/w Mr Yohan Cooper and Ms Aliya Khan, i/b Bharucha & Partners, for the Petitioner.*
Mr Hiroo Advani, a/w *Sheikh Yusuf Ali, Asif Lampwala, i/b Advani & Co. for Respondents.*
Mr Mitesh Vagheriya, *Respondent No. 2, present.*
Mr Madhu Sudan Rajbhar, *Respondent No. 4, present.*

CORAM: G.S. PATEL, J
DATED: 20th January 2017

PC:-

1. In the third line of paragraph 1 of the order dated 11th January 2017, the wordk “*not*” is to be deleted. The sentence will now read as “*It will be sufficient ...*”.
2. The order dated 11th January 2017 be read accordingly.
3. Mr Advani on behalf of the Respondents makes a statement that none of the Respondents claim to have any ownership or

intellectual property rights of any nature in respect of the software that that is the subject matter of the agreement dated 15th Sept 2014 (Exhibit “E” to the Petition) and the supplemental agreement dated 28th October 2015 (Exhibit “F” to the Petition.) Mr Advani also says (again, on instructions) that the copyright in the software vests in the Petitioners subject to payment of consideration and performance of the terms and conditions of both agreements. Finally, there is Mr Advani’s statement that the Respondents have not offered and are not offering this software as part of any tender process with any authority or agency. This statements, all made on instructions from Mr Mitesh Vaheria, Respondent No 2, who is present in Court, are accepted.

4. Noting survives in the petition. It is dismissed as withdrawn. Refund of court fees, if any, in accordance with the Rules.

5. All contentions before the Arbitral Panel are expressly kept open and both sides are at liberty to move any application before any Arbitral Tribunal under the Arbitration Act.

(G. S. PATEL, J.)