

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
ARBITRATION PETITION NO.149 OF 2017**

Top Class Capital Markets Pvt Ltd ...Petitioners
Versus
Future Enterprises Ltd & Ors ...Respondents

**WITH
ARBITRATION PETITION NO. 150 OF 2017**

Rinita Impex Pvt Ltd ...Petitioners
Versus
Future Enterprises Ltd & Ors ...Respondents

**WITH
ARBITRATION PETITION NO. 151 OF 2017**

M Dinshaw & Co Pvt Ltd ...Petitioners
Versus
Future Enterprises Ltd & Ors ...Respondents

Mr Dharam Jumaní, *with Henna Daulat, i/b M/s. Crawford Bayley & Co, for the Petitioner in all three matters. (appeared at 5.00 p.m.)*

Mr Ravi Kadam, *Senior Advocate, with Venkatesh Dhond, Senior Advocate, Ameya Gokhale, Meghna Rajadhyaksha, Salonee Kulkarni & P Tiwari, for Respondent No. 1.*

Mr Snehal Shah, *with Vishwabhusan Kamble & Apoorva Yadav, i/b Jayakar & Partners, for Respondent No. 2 in CARBP/149/2017.*

CORAM: G.S. PATEL, J
DATED: 18th April 2017

PC:-

1. The Petitions were kept today at the end of the supplementary board for final disposal by an order of 7th April 2017 when the Petitioners sought time to file a Rejoinder. No Rejoinder has either been filed or served. The Petitioners and their Advocates are absent. The Petitioners were remarkably well represented earlier.

2. The Petitions are dismissed.

At 5.00 p.m.

3. The three matters are sought to be mentioned for restoration. There is continued non-compliance with previous directions to the Petitioners for filing an Affidavit in Rejoinder. In fact, the last adjournment was at the instance of the Petitioners, who sought time to file a Rejoinder. The Petitioners continue to seek adjournments while also requesting priority; and when given time and priority, are not present when matters are called. There is no reason to entertain the restoration application.

4. At this stage, on behalf of the Petitioners an application is made for leave to withdraw the Arbitration Petitions but with the liberty of leaving all contentions open. That liberty cannot be granted, and there is no reason why it should; but the leave certainly can. For the limited purposes of withdrawal, the Petitions are restored and are then dismissed as withdrawn, but without the liberty sought.

(G. S. PATEL, J.)