

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***ORDINARY ORIGINAL CIVIL JURISDICTION*****IN ITS COMMERCIAL DIVISION****COMMERCIAL ARBITRATION PETITION NO. 159 OF 2017****M/s.Sphere International****..... Petitioner****VERSUS****Ecopack India Paper Cup Pvt. Ltd.****..... Respondents**

Mr.Premalal Krishnan, a/w. Ms.Deepthi Mistry, i/b. PanIndia Legal for the Petitioner.

Mr.Aseem Naphade, a/w. Mr.A.P.Singh, i/b. S.K.Srivastav & Co. for the Respondents.

CORAM : R.D.DHANUKA, J.**DATE : 24th NOVEMBER, 2017****P.C.**

Learned counsel appearing for the petitioner seeks liberty to withdraw this arbitration petition which is filed under section 37 of the Arbitration and Conciliation Act, 1996 *inter alia* impugning the order passed by the learned arbitrator on 5th January,2017 thereby accepting the plea of jurisdiction raised by the respondents before the arbitral tribunal with liberty to file appropriate proceedings.

2. Arbitration petition is dismissed as withdrawn with liberty as prayed.

3. It is made clear that this court has not expressed any views on the issue of the merits of the counter claims filed before the arbitral tribunal

and the same shall be decided by the appropriate Court in the appropriate proceedings excluding the arbitration proceedings on its own merits.

4. In view of the withdrawal of the arbitration petition, notice of motion does not survive and is accordingly disposed of.

(R.D.DHANUKA, J.)