

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (L) NO.280 OF 2017
WITH
COMPANY APPLICATION (L) NO.333 OF 2017
IN
COMPANY PETITION NO.434 OF 2015
WITH
NOTICE OF MOTION (L) NO.1504 OF 2017
WITH
NOTICE OF MOTION (L) NO.1538 OF 2017

PSL Limited	...Appellant
vs.	
Jotun India Private Limited	...Respondent

Mr. Janak Dwarkadas, Senior Counsel a/w. Ms. Ankita Singhania, Mr. Omprakash Jha, Mr. Amir Arsiwala i/b. The Law Point, for the Appellant.

Mr. Rohit Gupta a/w. Mr. Nikhil Rajani i/b. M/s. V. Deshpande & Co., for the Intervener.

Mr. Zal Andhyarmina a/w. Ms. Akanksha Agarrwal a/w. Ms. Silpa Nair and Mr. Lizum Wangdi i/b. Trilegal, for the Respondent.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.**

DATE : AUGUST 01, 2017

P.C.:

. After arguing for some time, the learned senior counsel appearing for the Appellant seeks leave to withdraw the Appeal No. 280 of 2017. However, he submits that withdrawal of the Appeal may not be construed that the learned single Judge is having

jurisdiction to pass the impugned order. He submits that the said question be kept open.

2. The learned counsel for the Respondents submits that keeping all contentions open in regard to the jurisdiction of the learned single Judge for passing the said order, this Appeal may be allowed to be withdrawn.

3. The learned counsel for the parties submit that they will argue the matter before the learned single Judge on 11th August, 2017 which is the date which has already been fixed by the learned single Judge for consideration of the said Application.

4. Having regard to the aforesaid submission as agreed by the learned counsel for the parties, Appeal No. 280 of 2017 is allowed to be withdrawn and is disposed of by keeping all contentions of the parties open on the question as to whether the Company Judge had jurisdiction to pass the order which has been impugned in this Appeal. We also observe that the withdrawal of this Appeal will not preclude the Appellant to raise question of jurisdiction of the learned single Judge in passing the impugned order. We also observe as suggested by the learned counsel for the Appellant that the National Company Law Tribunal shall not pronounce the order in regard to CP(IB) No. 37 of 2017 till the

further orders as may be passed by the learned single Judge.

5. Needless to say that this entire order more particularly the direction to NCLT not to pronounce the order in respect of CP(IB) No. 37 of 2017 is passed on the prayer made in this regard by the learned counsel for the Appellant.

6. The learned counsel for the Intervener in Notice of Motion (L) No. 1538 of 2017 submits that he may be allowed to withdraw the Notice of Motion with liberty to file the same before the learned single Judge. With the aforesaid liberty, the Notice of Motion (L) No. 1538 of 2017 is allowed as withdrawn.

7. The Appeal is disposed of.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)