

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Commercial Arbitration Petition (L) NO. 374 OF 2017

Indus Capital Pvt. Ltd.

...Petitioner

Versus

Tyro India And Ors.

...Respondents

Mr.Vishal Kanade with Ms.Neeta Solanki i/b. Kiran Jain & Co., for the
Petitioner.

Mr.Hajit Seth with Sahil Menon i/b. Link Legal India Law Services,
for Respondent Nos.1 to 3.

Mr.N.S.Rodrigues i/b. R.M.Partners, for Respondent nos.5 to 10.

CORAM : G.S.Kulkarni, J.**DATE : 8th September, 2017**

P.C. :

1. This petition under Section 9 of the Arbitration and Conciliation Act, 1996 was heard yesterday for some time, when learned Counsel for respondent nos.1 to 3 and 5 to 10 raised an objection to the maintainability of this petition before this Court in view of the law laid down by the Apex Court in "*Indus Mobile Distribution Pvt. Ltd. v. Datawind Innovations Pvt. Ltd.*"¹. The respondents relying on this decision contended that the jurisdiction to entertain the present petition would lie with the Madras High Court, in view of clauses 11.4(iii) and (vi). The petition was

accordingly adjourned to enable the petitioners to consider their position.

2. Today Mr.Kanade, learned Counsel for the petitioner on instructions submits that the respondent would be correct in their contention, and in view of the above decision of the Apex Court, the petitioner would now approach Madras High Court in appropriate proceedings. Mr.Kanade therefore seeks leave to withdraw this petition. The petition is allowed to be withdrawn. Dismissed as withdrawn. No costs.

3. All the contentions of the parties on merits of the matter are expressly kept open.

[G.S.Kulkarni, J.]