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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **O.M.P. 4/2008 & I.A. Nos.49/2008, 3828/2008, 1137/2009**

MR. MUKESH SHARMA Petitioner

Through: None.

versus

MR. ROGER SHASHOU & ORS. Respondents

Through: Mr. Deepak K. Vijay, Advocate for ITECL
(M-9311279321).

Ms. Neeru Sharma, Advocate for ITE (I)
Pvt. Ltd. (M-9350566548)

WITH

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+ **O.M.P. 914/2011**

ITE INDIA PVT LTD Petitioner

Through: Ms. Neeru Sharma, Advocate
(M-9350566548).

versus

MUKESH SHARMA AND ORS Respondents

Through: None for R-1.
Mr. Deepak K. Vijay, Advocate for ITECL
(M-9311279321).

AND

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+ **O.M.P. (COMM) 363/2016**

INTERNATIONAL TRADE EXPO CENTRE LTD

..... Petitioner

Through: Mr. Deepak K. Vijay, Advocate for ITECL
(M-9311279321).

versus

MUKESH SHARMA & ORS.

..... Respondents

Through: None for R-1.

Ms. Neeru Sharma, Advocate

(M-9350566548) for R-2.

Mr. Gaurav M. Liberhan, Advocate

(M-9810955779)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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22.10.2018

The present three petitions were adjourned *sine die* vide order dated 30th August, 2016 as the matters were pending before the Supreme Court.

The same have been listed under the orders of the Hon'ble Chief Justice. Learned counsel for the parties have appeared and have submitted that the judgment of the Supreme Court in ***Roger Shashoua and Others v Mukesh Sharma and Others 2017 14 SCC 722*** has been delivered on 4th July, 2017. As per the said judgment, the Section 34 petitions are not maintainable. The relevant paragraphs of the said judgement read as under:

“75. We respectfully concur with the said view, for there is no reason to differ. Apart from that, we have already held that the agreement in question having been interpreted in a particular manner by the English courts and the said interpretation having gained acceptance by this Court, the inescapable conclusion is that the courts in India have no jurisdiction.

76. In view of the aforesaid analysis, we allow the appeals and set aside the judgment [Mukesh Sharma v. Roger Shashoua, 2016 SCC OnLine Del 3689] of the High Court of Delhi that has held that courts in India have jurisdiction, and has also determined that Gautam Budh Nagar has no jurisdiction and the petition under Section 34 has to be filed before the Delhi High Court. Once the courts in

India have no jurisdiction, the aforesaid conclusions are to be nullified and we so do. In the facts and circumstances of the case, there shall be no order as to costs.”

In view of the judgment of the Supreme Court, the petitions are no longer maintainable. The same are accordingly dismissed.

Learned counsel for the Petitioner submits that a curative petition has been filed in respect of the said judgment. The Petitioner is permitted to file the order in the Curative petition and avail its remedies in accordance with law, at the appropriate stage. The Ld. Counsel for the parties submit that some of the pleadings in the present petitions may be relevant in a petition filed under Section 48 of the Arbitration & Conciliation Act. If the records of the present petitions are required, copies of the pleadings may be filed by the parties in the said petition. The petitions need not be kept pending for the said purpose.

PRATHIBA M. SINGH, J.

**OCTOBER 22, 2018
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