

Santosh

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

ARBITRATION PETITION NO. 724 OF 2017

Dilipkumar S. Mishra ...Petitioner
Versus
Vijaykumar Mishra & Co. and ors. ...Respondents

Mr. Rahul Sarda, a/w Sabeena Mahadik, for the Petitioner.
Mr. Ish Jain, a/w Ms. Priyal Jain, i/b Kiran Jain & Co., for
Respondent nos.1 and 3.
Mr. Gaurav Sharma, for Respondent no.2.

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CORAM: N. J. JAMADAR, J.

DATED : 22nd MARCH, 2022

PC:-

1. Heard the learned Counsel for the petitioner.
2. The learned Counsel for the petitioner submits that the petitioner has yet not invoked arbitration, though this petition under Section 9 has been filed in the year 2017. The learned Counsel further submits that the petitioner now proposes to institute a petition under Section 11 of the Arbitration and Conciliation Act, 1996 ("the Act, 1996").
3. The learned Counsel for the petitioner thus, on instructions, seeks leave to withdraw the petition.
4. The petition stands dismissed as withdrawn.

5. Needless to clarify that, this Court has not entered into the merits of the matter and, in the event, the arbitration is invoked, the petitioner will have the remedies under Section 17 of the Act, 1996 and, all contentions of all the parties including those raised in this petition would remain open for consideration in the event such a petition is filed.

[N. J. JAMADAR, J.]