

ITEM NO.8

COURT NO.9

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No.1624/2019 in SLP(C) No.33457/2018

M/S MEDICO ABROAD

Petitioner(s)

VERSUS

M/S ISM FOCAL POINT

Respondent(s)

IA No.111947/2019 - CLARIFICATION/DIRECTION

IA No.111942/2019 - CLARIFICATION/DIRECTION

Date : 18-10-2022 This MA was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Deepak Nargolkar, Sr.Adv.
Mr. Soumik Ghosal, AOR
Mr. Gaurav Singh, Adv.

For Respondent(s) Mr. Gopal Sankarnarayanan, Sr.Adv.
Mr. Ankur Das, Adv.
Mr. Ujjawal Sharma, Adv.
Mr. Prashant S., Adv.
Mr. D.Kumanan, AOR

UPON hearing the counsel the Court made the following
O R D E R

I.A.No.111942 of 2019

1. This is an application filed on behalf of the applicant seeking clarification of the order dated 08.01.2019 passed by this Court in SLP(C)No.33457 of 2018.

2. We have learned Senior counsels appearing on behalf of the parties with regard to the prayer made in the above-stated application and gone through the record.

3. We are satisfied that the following observations made by this Court while passing the order on 08.01.2019 in SLP(C)No.33457 of 2018 are liable to be deleted:

"However, the finding of the High Court that the unamended Section 36 would apply to the facts of this

case is contrary to this Court's judgment in Board of Control for Cricket in India vs. Kochi Cricket Private Limited and Others, (2018) 6 SCC 287.

This being the case, it is open for the petitioner to approach the Court in the pending Section 34 proceeding with an application under Section 36, which will be disposed of on its own merits in accordance with this Court's judgment."

4. Resultantly, the competent Court shall independently consider and decide as per its own merits as to whether an application filed by the non-applicant/deGREE-holder under Section 36 of the Arbitration and Conciliation Act, 1996 is maintainable or not, without being influenced by the observations which have since been deleted.

6. I.A.No.111942 of 2019 stands disposed of accordingly.

I.A.No.111947/2019 in SLP(C)No.33457/2018

1. Learned Senior counsel appearing on behalf of the applicant seeks permission to withdraw this application.

2. Permission, as prayed for is granted.

3. I.A.No.111947/2019 is, accordingly, dismissed as withdrawn.

4. Consequently, M.A.No.1624 of 2019 stands disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)