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

CNR No. DLHC010402992026

+ **FAO(OS) (COMM) 229/2026, CM APPL. 57944/2026, CM APPL. 57945/2026 and CM APPL. 57946/2026**

M/S SHANTI DEVELOPERS Appellant

Through: **Mr. Sameer Dawar, Mr. Anshul Mittal, Mr. Rishabh Tomar, Mr. Vishwam Mishra, Advs.**

versus

VIRENDER KUMAR Respondent

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **25.08.2026**

1. The present appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996, read with Section 13 of the Commercial Courts Act, 2015, challenging the order dated 11.05.2026 passed in O.M.P. (I) (COMM) No. 198/2026, titled *M/s Shanti Developers v. Virender Kumar*.

2. Learned Counsel appearing for the Appellant, after making submissions at some length and upon realising that the Court is not inclined to issue notice, seeks permission to withdraw the present appeal. He, however, submits that, while deciding the application under Section 9 of the Arbitration and Conciliation Act, 1996, the learned Single Judge has made certain observations which ought not to be treated as a final expression on the merits of the case.

3. It is clarified that, while deciding an application under Section 9 of the Arbitration and Conciliation Act, 1996, the Court makes only



prima facie observations for the limited purpose of deciding the grant or refusal of interim relief. Accordingly, the observations contained in the impugned order shall not be construed as a final expression of opinion on the merits of the case, and the concerned authorities shall proceed to decide the matter independently and in accordance with law.

4. In view of the above, the present Appeal, along with the pending application(s), if any, stands disposed of as withdrawn.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

AUGUST 25, 2026

Pallavi/rm