

\$~2

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

+ **FAO(OS) 321/2014 and CM No. 11296/2015 and CM No.11297/2015
and CM No. 2137/2015**

UNIVERSAL METAL CO. LTD Appellant

Through: Mr Nikhil Singhvi and Mr Parth Malik,
Advs

versus

GAIL INDIA LTD Respondent

Through: Mr N.L. Ganapathi, Adv.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **11.09.2015**

This appeal is directed against the order of the learned Single Judge dated 23.04.2014 in OMP No.1249/2013. The Single Judge rejected the appellant's application under Section 42; the contention was that since an objection under Section 34 has been preferred prior in point of time before the City Civil Court, Ahmedabad in respect of the award of the Arbitral Tribunal, the proceedings before this Court were not competent. Learned Single Judge was of the opinion that the application was unmerited and accordingly rejected it.

Mr Nikhil Singhvi, learned counsel for the appellant, submits that he has instructions to withdraw the appeal, without prejudice to the rights to challenge the findings of the learned Single Judge in the

event of an adverse order on the merits in the Section 34 proceedings pending before the Court, in addition to the other grievances, if any. Learned counsel has objected to the maintainability of the proceedings.

Accordingly, the appeal is dismissed as withdrawn with liberty as claimed.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

SEPTEMBER 11, 2015

bg