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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P.(T) 3/2016, IA 2231/2016
M.P.TYAGI

..... Petitioner

Through: Mr. Shrey Chathly, Adv. with Ms.
Bandana Grover & Mr. Vishesh
Wadhwe, Advs.

versus

MILITARY ENGINEER SERVICES AND ORS

..... Respondent

Through: Mr. Pankaj Batra, Adv.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **06.05.2016**

1. This is a petition filed by the petitioner under Section 14 and 15 of the Arbitration & Conciliation Act, 1996 with the following prayers:-

“(a) declare that the mandate of the dispute Redress and Reconciliation Committee, who had entered reference has terminated.

(b) appoint a substitute arbitrator or the matter may be referred to the Delhi High Court International Arbitration Centre to adjudicate all disputes between the parties.”

2. A reply has been filed by the respondents 1 to 4 wherein a stand has been taken that DRRC has passed the award on February 9, 2016 which was

forwarded to Executive Committee of the Builders Association Of India (HQS.) which on March 5, 2016 at Kolkata in the meeting there, accepted the award passed by DRRC in the presence of petitioner after giving him hearing and seeking explanation, which aspect is being disputed by the learned counsel for the petitioner.

3. Learned counsel for the respondents states, the Award of February 9, 2016 is a final Award determining the rights of the parties and the remedy for the petitioner is to challenge the said Award under Section 34 of the Arbitration & Conciliation Act.

4. On this submission of the learned counsel for the respondents, learned counsel for the petitioner states, he wishes to withdraw the petition with liberty to challenge the Award dated February 9, 2016 in a separate proceedings under Section 34 of the Arbitration & Conciliation Act. Accordingly, the present petition is dismissed as withdrawn with liberty as prayed for, in accordance with law.

V. KAMESWAR RAO, J

MAY 06, 2016/ak