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

+ W.P.(C) 1977/2016 & C.M.Nos.8507-8508/2016

M/S NORTH-WEST SALES & MARKETING LTD.

..... Petitioner

Through Mr.Ramesh Singh with Mr.Aniruddha
Deshmukh, Advocates.

versus

DELHI INTERNATIONAL ARBITRATION CENTRE THROUGH
ITS COORDINATOR & ANR Respondents

Through Mr.Devesh Singh, ASC for GNCTD.
Mr.Kapil Kher, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **08.04.2016**

Present writ petition has been filed challenging the e-mail dated 26th February, 2016 sent by respondent no.1, whereby petitioner was directed to deposit Rs.3,20,275/- towards Arbitrator's fees and Rs.5,000/- towards miscellaneous expenses in addition to cost of Rs.10,000/- on the ground of delay in filing the reply/counter-claim.

Learned counsel for petitioner states that instead of proceeding to direct the respondent no.2/claimant herein to deposit the fees, upon refusal of the petitioner to do so, respondent no. 1 has stated in its e-mail that in the event the fee is not deposited, the petitioner's reply will not form a part of the record and it will be deemed that the right to file reply has been waived by it.

Learned counsel for respondent no.2 who appears on advance

notice states that without prejudice to his rights and contentions, the respondent no.2 shall deposit the share of the fees to be deposited by the petitioner. He, however, states that the aforesaid payment shall be subject to the final order to be passed by the Arbitration Tribunal. Since the suggestion and statement made by learned counsel for respondent no. 2 is fair and reasonable, the same is accepted by this Court.

Keeping in view the aforesaid statement of learned counsel for respondent no.2, learned counsel for the petitioner wishes to withdraw the present writ petition. It is clarified that in view of the deposit of the petitioner's share of fees, respondent no.1 shall not remove the reply of the petitioner from the arbitral record. Accordingly, the writ petition and the applications are dismissed as infructuous.

Order *dasti*.

MANMOHAN, J

APRIL 08, 2016

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