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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 605/2016

SAMEER KALA & ANR.

..... Petitioner

Through: Mr. Abhishek Agarwal, Advocate.

versus

OMAXE LTD.

..... Respondent

Through: Mr. Mukti Bodh, Advocate.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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24.11.2016

1. The Petitioners have stated in para 1 of the petition that both of them are "naturalised US citizens and are holders of PIO Card/OCI." In terms of Section 2(f) (i) of the Arbitration and Conciliation Act, 1996 ('Act') a dispute involving "an individual who is a national of, or habitually resident in, any country other than India" is an 'international commercial arbitration'. Under Section 11(12) (a) of the Act, the application for appointment of an Arbitrator in such event is to be made to the Supreme Court.

2. In that view of the matter, learned counsel for the Petitioner seeks leave to withdraw this petition with liberty to approach the Supreme Court.

3. Dismissed as withdrawn with liberty as prayed for.

S.MURALIDHAR, J

NOVEMBER 24, 2016/mg