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

+ C.R.P. 45/2017 & CM No.6785/2017 (for stay)

ABHISHEK KATHURIA

..... Petitioner

Through: Mr. Varun Nischal, Adv. for Mr.
Madan Lal Sharma, Adv.

Versus

SATPAUL VERMA

..... Respondent

Through: Mr. Sanjay Aggarwal, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **22.09.2017**

1. The counsels have mentioned the matter for reference to the Mediation Cell of this Court. It is informed that this Revision Petition has been preferred against the order of dismissal of the application of the petitioner under Section 8 of the Arbitration and Conciliation Act, 1996.

2. I have enquired from the counsel for the petitioner, how this petition is maintainable, inasmuch as the order impugned is appealable under Section 37(1)(a) of the Arbitration Act. Attention of the counsel is invited to my dicta in ***Deepak Mittal Vs. Geeta Sharma*** 2017 SCC OnLine Del 1036 holding in the context of an order under Section 9 of the Arbitration Act that the petition under Article 227 of the Constitution of India also does not lie. The same principal will apply to a Revision Petition also and in the context of an order under Section 8 of Arbitration Act. Reference may also be made to ***HRD Corporation (Marcus Oil & Chemical Division) Vs. Gail (India) Ltd.*** (2017) 240 DLT 132.

3. The counsels have appeared only for mentioning and otherwise have no idea about the case.
4. List on 27th September, 2017.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 22, 2017

5. The counsels have again mentioned the matter.
6. The counsel for the petitioner states that the petitioner withdraws this petition with liberty to take appropriate remedy.
7. Dismissed as withdrawn with liberty aforesaid.
No costs.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 22, 2017

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