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

+ CM(M) 371/2017

M/S A V INDUSTRIES THR

ITS PARTNER VINOD KHANNA

..... Petitioner

Through: Mr.Harish Katyal, Advocate

versus

M/S INTEC CAPITAL LTD

..... Respondent

Through: None

**CORAM:**

**HON'BLE MS. JUSTICE PRATIBHA RANI**

**ORDER**

% **17.05.2017**

CM No.13219/2017

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

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1. By way of this petition filed under Article 227 of the Constitution of India, petitioner is praying for setting aside the order dated 16<sup>th</sup> December, 2016 passed by learned ADJ, South East District, Saket courts, New Delhi in Arb. Petition No.20344/2016.

2. Learned counsel for the petitioner has submitted that the provisions of Section 36(2) of Arbitration Act are not applicable to the present case as the arbitration proceedings were initiated even before the amendment had come into effect, hence the directions of the learned Trial Court that too without speaking order for depositing the entire arbitration award is uncalled for.

3. Learned counsel for the petitioner has been asked as to whether this aspect has been brought to the notice of learned Trial Court.

4. Learned counsel for the petitioner seeks permission to withdraw this petition with liberty to file review petition before the learned trial Court and

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requests that learned Trial Court may be directed to dispose of the review petition on merits ignoring the technicalities of limitation.

5. Accordingly, the petition is dismissed as withdrawn granting the liberty as prayed for.

6. If the review petition is filed by the petitioner, the learned Trial Court shall dispose of the same on merits and not on technical ground of limitation.

CM No.13220/2017

Dismissed as infructuous.

**PRATIBHA RANI, J.**

**MAY 17, 2017**

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