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

+ O.M.P.(I) (COMM.) 312/2017

URC CONSTRUCTION PRIVATE LIMITED ..... Petitioner  
Through Mr.Tarun Sharma, Ms.Akanksha  
Kapoor & Mr.Amrinder Singh,  
Advocates  
versus

ENGINEERS INDIA LIMITED & ANR. .... Respondents  
Through Mr.Rahul Narayanan, Adv. for R-1  
Mr.Rajiv Kapur, Advocate for SBI

**CORAM:**  
**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**  
% **25.08.2017**

**I.A.No.9663/2017(exemption)**

Allowed subject to all just exceptions.

**O.M.P. (I) (COMM) 312/2017 & I.A.No.9662/2017**

The learned counsel for the respondents submits that the arbitral tribunal is already hearing the matter and in fact the next of hearing is on 28.08.2017. He submits that this petition should be filed before the learned arbitrator. He also clarifies that in terms of the order of this court in OMP (I)(COMM.) No.18/2017 dated 13.01.2017 an advance notice was given to invoke the bank guarantee on 22.08.2017 though it is dated 19.08.2017. Hence, the one week advance notice period would expire on 29.08.2017.

Accordingly, in view of the above, the learned counsel for the petitioner seeks to withdraw the present petition with liberty to approach the tribunal for the present relief. The petition is dismissed as withdrawn with

liberty as sought. All the pending applications, if any, are also dismissed.

The petitioner is free to take steps for pressing the reliefs sought before this court on the hearing to be held on 28.08.2017 before the learned arbitrator.

A copy of this order be given *dasti* under the signature of the court master.

**JAYANT NATH, J.**

**AUGUST 25, 2017/v**