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

+ **LPA 732/2017**

M/S ASIAN CARGO MOVERS

..... Appellant

Through : Mr Kirti Uppal, Senior Advocate with
Mr Pradeep Mahajan and Mr Sidharth
Chopra, Advocates.

versus

CONTAINER CORPORATION OF INDIA LTD

..... Respondent

Through : Mr Rishi Awasthi and Mr Kabir
Ghosh, Advocates.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **17.11.2017**

CM No.41474 /2017(exemption)

Allowed, subject to all just exceptions.

LPA 732/2017 & CM No.41475/2017(stay), 41476/2017(additional document)

1. After some hearing, learned senior counsel for the appellant submitted, on instructions, that liberty may be granted to urge the question as to the legality and correctness of the blacklisting order, on its merits, besides on procedural issue, in the ongoing arbitration between the parties. He also requested that the Court indicates that this question is kept open having regard to the learned Single Judge's

impugned order.

2. In view of his statement made, it is clarified that the observations of the Single Judge shall not be treated as conclusive; the appellant is at liberty to urge all contentions with respect to the legality of the impugned blacklisting order in the arbitration proceedings.

3. All rights and contentions of the parties are hereby kept open.

4. Learned senior counsel for the appellant seeks leave to withdraw the Appeal.

5. The Appeal is dismissed as withdrawn but in the above terms.

6. Order *Dasti*.

S. RAVINDRA BHAT, J

SANJEEV SACHDEVA, J

NOVEMBER 17, 2017

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