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

+ **FAO(OS) (COMM) 51/2018 AND CM APPL. 11108-11109/2018**

ATLANTA LTD

..... Appellant

Through Ms. Meenakshi Arora, Sr. Adv.
with Mr. Chirag M. Shroff,
Ms.Neha Sangwan and Ms.
Bhavna, Advs.

versus

NATIONAL HIGHWAYS & INFRASTRUCTURE

DEVELOPMENT CORPORATION LTD & ANR Respondents

Through Mr. Rajiv Bansal, Sr. Adv. with
Mr. Gaurav Mahajan, Mr. Ritesh
Bajaj and Mr. Kabir Shankar Bose,
Advs. alongwith Mr. Anil Kumar
Jha, Junior Manager (Legal).

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **10.04.2018**

Appellant's grievance is with respect to the order of the ld. Single Judge, who dismissed the application under Section 9 of the Arbitration and Conciliation Act. After some hearing, Ms. Arora, learned Sr. Counsel submitted that the observations including the admissions recorded by the learned Single Judge in the impugned order should not be construed as an expression on merits since the main dispute is the subject matter of an arbitration clause.

In view of the statement, this Court is of the opinion that the

observations in the impugned order - including the recording of admission, if any, should not be held to be determinative or conclusive of the appellant's rights or confer any advantage to the respondent in the substantive proceedings.

In view of the above order, Ms. Meenakshi Arora, learned Senior Counsel for the appellant seeks liberty to withdraw the appeal. FAO(OS) (COMM) 51/2018 dismissed as withdrawn. All the pending application also stand disposed of.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

APRIL 10, 2018

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