

\$~22

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

+ **ARB.P. 594/2018**

FITWELL CONSTRUCTION PVT LTD

..... Petitioner

Through: Mr. Ginesh P, Adv
versus

ANDRITZ HYDRO PVT LTD

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

%

14.08.2018

I.A. No. 10836/2018 (Exemption)

1. Allowed, subject to just exceptions.

ARB.P. 594/2018

2. It is the case of the petitioner that the Arbitrator appointed by the respondent has not entered upon reference to date.

3. Counsel for the petitioner, however, concedes that a challenge was laid to the appointment of the arbitrator by the respondent which did not succeed. As a matter of fact, the proceedings were carried with regard to the same aspect right, upto the Supreme Court.

4. Having regard to the aforesaid circumstances, I am of the view that petitioner would have to first seek, if at all, termination of the mandate of the Arbitrator who is already in place and then seek appointment of a fresh arbitrator.

5. In these circumstances, counsel for the petitioner seeks to withdraw the captioned petition with liberty to file a fresh petition, *albeit*, in accordance with law.
6. The petition is dismissed as withdrawn, with liberty, as prayed for.

RAJIV SHAKDHER, J

AUGUST 14, 2018

c