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

+ **O.M.P.(I) (COMM.) 358/2018**

AXISS DENTAL PVY LTD

..... Petitioner

Through: Mr. Ruchir Midha with Mr. Iggu
Chittiappa, Advs.

versus

AMIT SACHDEVA

..... Respondent

Through: Mr. Darpan Wadhwa with Mr. Vikas
Mehta and Mr. Adith Nair, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **11.09.2018**

Cav. No.824/2018

1. Since Mr. Vikas Mehta, counsel for the respondent has entered appearance, the caveat stands discharged.

I.A. No.12145/2018

2. Allowed, subject to just exceptions.

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3. Mr. Wadhwa, learned senior counsel, who, appears for the respondent, takes a preliminary objection, which is, that this petition is not maintainable. The preliminary objection is based on the provisions of Clause 13.1 read with Clause 13.3 of the Employment Agreement dated 22.5.2012.

4. It is Mr. Wadhwa's contention that the disputes, which fall within the ambit of the aforesaid clauses are those which arise between the investor and the promoters and/or the company.

5. Learned senior counsel says that the instant petition has been filed by the company against the promoters.
6. In these circumstances, counsel for the petitioner company seeks to withdraw the petition with liberty to file a fresh petition in accordance with law, if so authorized by the concerned investors i.e. Dabset Equity Holding Limited.
7. The captioned petition is dismissed as withdrawn with liberty as prayed for, *albeit*, in accordance with law.
8. Consequently, pending application shall stand closed.

RAJIV SHAKDHER, J

SEPTEMBER 11, 2018/pmc