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

+ O.M.P. (COMM) 434/2018

MAHANAGAR TELEPHONE NIGAM LIMITED Petitioner

Through Mr. Ajay Pal Singh Kullar and Ms. K.
Gayatri, Advs.

versus

OMNITEL INDUSTRIES PVT. LTD. Respondent

Through Mr. R.D. Sharma, Mr. Rajat Sharma
and Mr. Chetan Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **12.10.2018**

CAV 951/2018

1 Since, Mr. R.D. Sharma has entered appearance on behalf of the respondent, the caveat is discharged.

O.M.P. (COMM) 434/2018 & I.A. Nos. 14201/2018, 14202/2018 and 14203/2018

2 Learned counsel for the petitioner seeks to withdraw the captioned petition with liberty to take recourse to appropriate proceedings under the Arbitration Act, 1940 (in short '1940 Act'). The only concern of the petitioner is that the time spent in prosecuting the captioned petition may not be excluded from proceedings taken under the 1940 Act.

2.1 Learned counsel for the respondent says that he has no objection if the time spent in prosecuting the instant petition is excluded.

3 Petition is dismissed as withdrawn.

4 It is made clear that the time spent in prosecuting the instant
petition will be excluded.

RAJIV SHAKDHER, J

OCTOBER 12, 2018/A