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

+ **ARB.P. 866/2018**

**RAKESH BROTHERS THROUGH: ITS PARTNER SH. SUMEET
GARG** Petitioner

Through: Mr. Anshul Mittal and Mr. Sushant
Bali, Advocates.

versus

**HSCC (INDIA) LIMITED (A GOVT. OF INDIA ENTERPRISES) &
ANR.** Respondents

Through: Mr. Manish Kumar, Advocate for R-
2.
Mr. Saurabh Mishra, Ms. Samridhi
Pal and Mr. Vivek Tyagi, Advocates
for R-1.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **19.03.2019**

1. By way of the present petition, the learned counsel seeks to refer additional claims as mentioned in para 13 of the petition in the ongoing arbitration proceedings before the learned Arbitrator. At the outset, on a query being raised by the Court, learned counsel for the Petitioner fairly states that the order dated 9th May 2018 appointing the Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the agreement dated 8th July 2015 does not set out the terms of reference.
2. In view of the above, he submits that he may be permitted to

withdraw the present petition with liberty to make a request before the learned Arbitrator for making additional claims as sought to be raised in the present petition. He submits that the additional claims are nothing but amounts due against additional items arising out of the claims which are presently pending adjudication before the Arbitrator.

3. Learned counsel for the Respondents objects to the petition on the ground that the application has been made at the fag end when the arbitration proceedings are at the final stage. He submits that the additional claims are in fact fresh claims.

4. In view of the above, the petition is dismissed as withdrawn with liberty to the Petitioner as prayed for.

5. *Dasti.*

SANJEEV NARULA, J

MARCH 19, 2019

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