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

- + O.M.P.(I) (COMM.) 481/2018 & I.A. No.17869/2018
- + O.M.P.(I) (COMM.) 482/2018 & I.A. No.17871/2018
- + O.M.P.(I) (COMM.) 483/2018 & I.A. No.17873/2018
- + O.M.P.(I) (COMM.) 484/2018 & I.A. No.17875/2018

NCML FINANCEW PRIVATE LIMITED Petitioner
Through: Mr.Anoop Baghai, Sr. Adv. with
Mr.Puneet Bajaj, Adv. alongwith
Mr.Pranav Chawla, AR.

versus

MUKESH NARESH SINGH & ORS. Respondents
JAGDAMBA AGENCY & ORS. Respondents
ANNAPURNA TRADING COMPANY & ORS. Respondents
MAA GAURI POULTRY PVT LIMITED & ORS..... Respondents
Through: Mr.Dhaval Mehrotra, Adv. for NCML
Mr.Sidhartha Barua and Ms.Adity
Gupta, Advs. for IDBI Bank.
Mr.Amit Singh and Mr.Raj Kumar
Parahar, Adv. for Mr.Rakesh Singh.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **14.02.2019**

These petitions have been filed by the petitioner under Section 9 of the Arbitration and Conciliation Act, 1996 praying for relief primarily against IDBI Bank which has issued a notice of public auction of goods lying at Godown no.3, Khasra No. 138, 139, P.H. No. 22, Gumthala, Gram Selu, The. Kalmeshwar, Distt. Nagpur-441501.

The petitioner claims rights over these goods on the basis of Warehouse Receipt in its favour. On the other hand, IDBI Bank also claims rights over these goods in form of separate Warehouse Receipts and Loan Facility Agreement from third parties who are not parties to the Arbitration Agreement.

Learned counsel for the IDBI Bank, therefore, argues that the present petitions would not be maintainable under Arbitration and Conciliation Act, 1996 and if at all, the disputes would have to be adjudicated by an appropriate Court.

In view of the objection raised, learned senior counsel for the petitioner prays for leave to withdraw the present petitions with liberty to file appropriate proceedings for seeking enforcement of the rights of the petitioner.

The petitions are dismissed as withdrawn, with liberty as prayed for.

The interim order dated 15.01.2019 shall continue to remain in force for another period of ten days from today. Any observation made by this Court in any of the orders passed in the present proceedings shall not bind the competent Court to adjudicate the disputes in accordance with the law.

Copy of the order be given *dasti* under the signature of the Court Master.

NAVIN CHAWLA, J

FEBRUARY 14, 2019/Arya