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IN THE HIGH COURT OF DELHI AT NEW DELHI

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O.M.P. (I) (COMM) 81/2020 & IA 3636/2020

ICON CONTROLS PRIVATE LIMITED

..... Petitioner

Through Mr.Jayant Mehta with Mr.Jeevan B
Pande, Mr.Satish Padhi, Mr.Gaurav Shasma,
Ms.Sampurna Samyal, Mr.Parv Garg, Advs.

versus

BHARAT OMAN REFINERIES LIMITED & ANR. Respondent

Through None.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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18.03.2020

1. The present petition under Section 9 of the Arbitration and Conciliation Act, 1996 seeks the following reliefs:-

A) *Direct the Respondent No.2 not to release the amounts covered under the Bank Guarantee No.6034IBGIS180036 dated 17 June 2018 and Bank Guarantee No 60341G155190049 dated 28 November 2019 demanded by the Respondent No.1;*

B) *Direct the Respondent No.2 not to release the amounts covered under the Bank Guarantee No.6034IBGIS180036 dated 17 June 2018 and Bank Guarantee No 60341G155190049 dated 28 November 2019 demanded by the Respondent No.1 until the dispute is adjudicated by MSME New Delhi or by an arbitral tribunal constituted by it;*

C) *Pass any other order as the Hon'ble Court may deem fit in the facts of the present case; and*

D) *Pass ex-parte ad-interim orders in terms of aforementioned prayers (A) and (B) above and confirm the same upon notice pending final adjudication of the present petition.*

2. After some arguments, learned counsel for the petitioner submits that since the petitioner has already raised a claim against the

respondents, which is pending consideration before the Micro, Small & Medium Enterprises Facilitation Council, he may be granted leave to withdraw the present petition with liberty to pursue any other remedy as may be permissible under law.

3. The petition is dismissed as withdrawn with liberty as prayed for.

REKHA PALLI, J

MARCH 18, 2020/sr