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

+ ARB.P. 652/2019

RWL HEALTHWORLD LIMITED

..... Petitioner

Through: Mr. Abhijat, Mr. Tarang Gupta,
Advocates

versus

FORTIS HOSPITALS LIMITED

..... Respondent

Through: Mr. Anshul Tyagi, Mr. Sanjeev
Kumar, Mr. Abhishek Kisku and
Mr. Anshul Sehgal, Advocates

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

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18.02.2020

1. The petitioner is seeking appointment of an arbitrator under Section 11 (6) of the Arbitration and Conciliation Act.
2. The respondent is opposing the petition on various grounds inter alia that the arbitration clause in the pharmacy agreement is only between petitioner and respondent and no other entity including but not limited to MedLife. Without prejudice, it is submitted that the petition is pre-mature and filed prior to the expiry of 30 days from the receipt of the arbitration notice. It is further submitted that the arbitral tribunal to which the petitioner is seeking reference of disputes, has already passed an award on 22nd January, 2020 and therefore, this petition has become infructuous.
3. Learned counsel for the petitioner submits on instructions that in view of the objections raised by the respondent, the petitioner be permitted to withdraw this petition with liberty to file a civil suit in accordance with law.
4. This petition is dismissed as withdrawn with liberty as prayed for.

5. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

FEBRUARY 18, 2020/dk

J.R. MIDHA, J.