



2024:DHC:6781



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **O.M.P.(I) (COMM.) 97/2023 and I.A. 9774/2023****SIMPLEX INFRASTRUCTURES LTD**PetitionerThrough: Mr. Jayant Mehta, Sr. Adv.
with Mr. Aayush Agarwala, and Mr. Parag
Chaturvedi, Advs.

versus

INDIAN OIL CORPORATION LIMITEDRespondentThrough: Mr. V.N. Koura and Ms.
Paramjeet Benipal, Advs.**CORAM:****HON'BLE MR. JUSTICE C. HARI SHANKAR****JUDGMENT (ORAL)**% **04.09.2024**

1. Mr. Mehta, learned Senior Counsel for the petitioner, on instructions, seeks leave to withdraw this petition with liberty to move an application before the learned Arbitral Tribunal constituted by order dated 3 September 2024 in Arb. P. 851/2023 ventilating the relief sought in this petition as an application under Section 17 of the Arbitration and Conciliation Act, 1996¹. He seeks liberty to move an application tomorrow itself as the Arbitral Tribunal stands constituted.

2. By order dated 3 September 2024 passed in Arb. P. 851/2023, this Court has requested Hon'ble Dr. Justice S. Muralidhar, former Chief Justice of the High Court of Odisha, to arbitrate on the dispute.

¹ "the 1996 Act", hereinafter



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3. Leave and liberty is granted, as sought by Mr. Mehta.
4. The petition is disposed of, in the aforesaid terms.
5. Let a copy of this order be given to both sides *dasti* under the signatures of the Court Master.

C.HARI SHANKAR, J

SEPTEMBER 4, 2024/yg

Click here to check corrigendum, if any