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

+ O.M.P.(I) (COMM.) 187/2022

AKSHAY CHATURVEDI

.....Petitioner

Through: Mr. Vishesh Kanodia, Advocate.

versus

AYUSH CHATURVEDI & ORS.

.....Respondents

Through: Mr. Vinayak Batta, Mr. Yogendra Verma, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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13.09.2024

1. The petitioner has filed this petition under Section 9 of the Arbitration and Conciliation Act, 1996 [“the Act”], for interim measures of protection in anticipation of arbitral proceedings under partnership deeds dated 06.06.2021 and 01.01.2022.

2. Mr. Vinesh Kanodia, learned counsel for the petitioner, states that an arbitrator has been appointed by a judgment of this Court dated 07.08.2024 in ARB.P. 228/2024 [*Akshay Chaturvedi v. Ayush Chaturvedi & Ors.*], and the learned Arbitrator has entered into the reference on 22.08.2024.

3. In view of the provisions of Section 9(3) of the Act, Mr. Kanodia seeks permission to withdraw the petition, with liberty to move the learned arbitrator under Section 17 of the Act.



4. Mr. Vinayak Batta, learned counsel for the respondent, states that he has filed an application for review of the judgment of this Court dated 07.08.2024. Be that as it may, the fact that an arbitrator has been appointed, and entered into the reference, is not disputed.

5. In view of the fact that the petitioner seeks permission to withdraw the petition and approach the learned arbitrator, the petition is dismissed as withdrawn, with liberty as aforesaid. In the event the order of appointment of the arbitrator is set aside or stayed, it will be open to the petitioner to approach the Court under Section 9 of the Act.

PRATEEK JALAN, J

SEPTEMBER 13, 2024

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