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

+ **FAO(OS) 102/2024 & C.M.Nos.40719-40722/2024**

M/S HALDIA NIRMAN PROJECTS PVT. LTD.Appellant

Through: **Mr.S.Prem Chandra, Advocate.**

versus

INLAND WATERWAYS AUTHORITY OF INDIA

.....Respondent

Through: **None**

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

22.07.2024

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1. Present appeal has been filed challenging the order dated 25th January, 2024 passed by the learned Single Judge in ARB.P.No.774/2023, whereby the application under Section 11(5) of the Arbitration and Conciliation Act, 1996 filed by the respondent was allowed and the sole Arbitrator was appointed to adjudicate the disputes between the parties.

2. At the outset, this Court has drawn the attention of learned counsel for the appellant to the judgment of the Supreme Court in ***S.B.P. & Co. vs. Patel Engineering Ltd. & Ors., (2005) 8 SCC 618***, wherein it has been held “since an order passed by the Chief Justice of the High Court or by the designated Judge of that Court is a judicial order, an appeal will lie against that order only under Article 136 of the Constitution of India to the Supreme Court”.



3. At this stage, learned counsel for the appellant wishes to withdraw the present appeal with liberty to file a Special Leave Petition challenging the impugned order.

4. With the aforesaid liberty, present appeal along with the applications is dismissed as withdrawn.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

JULY 22, 2024
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