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

+ **ARB.P. 119/2022 & I.A. 8467/2022**

SURYA TRACTOR COMPANY

..... Petitioner

Through: Mr. V. Kale, Mr. Soumya Dutta and
Mr. Siddhant Upmanyu, Advs.
(through VC)

versus

**NEW HOLLAND FIAT INDIA PVT. LTD. NOW KNOWN AS
CNH INDUSTRIAL INDIA PVT. LTD. & ORS.**

..... Respondents

Through: Mr Sudhir Nandrajog, Sr. Adv. with
Mr Niraj Singh, Mr Deepak Jaiswal
and Mr Shivang Singh, Advs. for R-1.
Mr Viraj Kadam, Adv. for R-2 to R-4
(through VC)

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

10.01.2024

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1. This is a petition under Section 11(5) of the Arbitration and Conciliation Act, 1996 filed by Surya Tractor Company through Mr Balasaheb Dattatraya Bhosale seeking appointment of Arbitrator for disputes arising out of a Dealership Agreement dated 14.08.2015 executed between the respondent, Surya Tractor Company i.e. the petitioner and Sanjay Tractors and Automobile, i.e. respondent No.2.

2. It is stated by Mr Kale, learned counsel for the petitioner that Mr Balasaheb Dattatraya Bhosale was a partner in Surya Tractor Company till 08.03.2016 and the disputes pertained to that period only. Hence, the



arbitration petition.

3. Mr Nandrajog, learned senior counsel appears for respondent No.1 and states that the partnership Surya Tractor Company was changed to M/s. Sanjay Tractors and Automobile vide partnership agreement dated 11.12.2015, hence, the petition as filed is not maintainable.
4. Mr Kale, learned counsel for the petitioner, in this view of the matter, seeks to withdraw the petition with liberty to file a civil suit for recovery on the same cause of action.
5. Mr Balasaheb Dattatraya Bhosale shall also be entitled to the benefit of Section 14 of the Limitation Act, 1963 in accordance with law.
6. The parties will be entitled to raise all issues as available in law.
7. Granting the liberty as aforesaid, the petition is disposed of.

JASMEET SINGH, J

JANUARY 10, 2024

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Click here to check corrigendum, if any