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

+ **ARB. A. (COMM.) 84/2022 & I.A. 6623/2023**

INOX WIND LIMITED

.....Appellant

Through: Mr. Salil Sinha, Mr. Vipul Sharma
and Mr. Kushal Mishra,
Advocates.

versus

INDIAN OIL CORPORATION LIMITED

.....Respondent

Through: Mr. Divjyot Singh, Mr. Nipun
Dwivedi, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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22.08.2024

1. This appeal, under Section 37 of the Arbitration and Conciliation Act, 1996 [“the Act”], is directed against an order dated 16.05.2022, by which an Arbitral Tribunal [“Tribunal”] has held that the claims of the appellant were not arbitrable, as they were not “notified claims” in terms of the contractual provisions. The Tribunal has, therefore, allowed the application filed by the respondent herein under Section 16 of the Act.
2. The appeal is belated by 132 days for which an application for condonation of delay also has been made.
3. Mr. Salil Sinha, learned counsel for the appellant, upon instructions, seeks permission to withdraw this appeal and the application for condonation of delay of 132 days in filing of the appeal, with liberty to take alternative remedies for adjudication of the appellant’s claims.



4. Mr. Sinha also reserves the right of the appellant to file an application, under Section 16 of the Act, in respect of the counter-claims of the respondent which remains under adjudication by the learned Arbitral Tribunal.

5. The appeal, alongwith pending application, is dismissed as withdrawn with liberty as aforesaid.

6. It is made clear that this Court has made no observation on the maintainability or merits of any alternative remedies, or any application that the appellant may file before the Tribunal. The rights and contentions of the parties, in this regard, are reserved.

PRATEEK JALAN, J

AUGUST 22, 2024
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