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

+ **ARB.P. 1206/2023**

**STUDIO DRA INTERNATIONAL DESIGNERS PVT. LTD**

..... Petitioner

Through: **Mr. Kumar Anurag Singh, Mr. Zain A Khan, Mr. Anish Ahlawat, Advs.**

versus

**ZETWERK MANUFACTURING BUSINESS PVT. LTD & ANR.**

..... Respondents

Through: **Mr. Ankit Parhar, Adv.**

**CORAM:**

**HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

**ORDER**

**28.02.2024**

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The hearing has been conducted through **hybrid** mode (physical and virtual hearing).

1. The present petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking the appointment of an arbitrator.
2. Learned counsel for the respondent submits that the notice dated 24.05.2023 cannot be termed as a notice under Section 21 of the Arbitration and Conciliation Act, 1996 invoking the arbitration.
3. Learned counsel for the petitioner submits that without prejudice to his rights and contentions, the present petition may be treated as a notice under Section 21 of the Arbitration and Conciliation Act, 1996 and he may be permitted to file a fresh petition under Section 11 of the Arbitration and Conciliation Act, 1996.
4. Learned counsel for the respondent has fairly agreed to the same.



5. Let the present petition be treated as notice under Section 21 of the Arbitration and Conciliation Act, 1996 with the liberty to file fresh petition under Section 11 of the Arbitration and Conciliation Act, 1996. However, it is made clear that this Court has not gone into the merits of the case and it shall not be considered as an expression of other objections raised by the respondent.
6. The petition stands disposed of.

**DINESH KUMAR SHARMA, J**

**FEBRUARY 28, 2024**

*Pallavi*