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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(I) (COMM.) 355/2024**
IRB WESTCOAST TOLLWAY LTD. & ORS.

.....Petitioner
Through: Mr. Vikram Nankani, Sr. Adv with
Mr. Karan Bharihoke, Mr. Prakash
Shah, Mr. Anirudh Bakhru, Ms.
Devika Mohan, Mr. Pratyush
Shrivastava, Mr. Sarthak Sachdev &
Mr. Aalam Bir Singh Nijjar,
Advocates
Mr. Ankur Mittal, Mr. Abhay Gupta,
Ms. Ikshita Parihar and Mr. Shubham
Sharma, Advocates

versus

NATIONAL HIGHWAYS AUTHORITY OF INDIA

.....Respondent
Through: Mr. Ankur Mittal and Ms. Ikshita
Parihar, Advocates.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
22.10.2024

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I.A. 42851/2024

1. This application under Section 151 CPC has been filed by the Respondent seeking recall of the Order dated 18.10.2024 passed by this Court.
2. On 18.10.2024, this Court was informed by the learned Counsel for the Petitioners that Tribunal has been constituted and, therefore, this Court



had directed the Tribunal to treat the present petition as one for a petition filed under Section 17 of the Arbitration and Conciliation Act, 1996. This Court had also observed that the question as to whether the relief sought under Section 9 is maintainable or not was for Arbitrator to decide.

3. Learned Counsel appearing for the Respondent submits that the arbitration agreement is only between the Petitioner No.1 and the Respondent, and there is no arbitration agreement between Petitioner Nos.2 and 3 and the Respondent.

4. This Court on 18.10.2024 had only disposed of the present petition by directing the Tribunal to treat the present petition as one for a petition filed under Section 17 of the Arbitration and Conciliation Act, 1996 and decide the same. The question as to who all are the parties to the arbitration agreement would also be decided by the Tribunal in its sitting.

5. The application is disposed of with the above clarification.

6. This Court has not made any observations regarding as to who all are the necessary parties to the arbitration agreement.

SUBRAMONIUM PRASAD, J

OCTOBER 22, 2024

S. Zakir