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

+ **W.P.(C) 14747/2024 & CM APPLs. 61942/2024, 61943/2024**

**THE BRAITHWAITE BURN AND JESSOP CONSTRUCTION CO
LTD**Petitioner

Through: Mr. Pinaki Addy and Mr. S. Gay,
Advocates.

versus

AUSHTA CONSULTING ENGINEERING (I) PVT LID & ANR.

.....Respondents

Through: Mr. Chandan Sharma and Mr.
Abhishek Birthray, Advocates for R-
1.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

13.11.2024

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1. The present writ petition impugns order dated 21st July, 2024 (wrongly typed as 21st August, 2024 in the impugned order) passed by the Sole Arbitrator in case file ref. no. DIAC/7877/02-24.
2. After making some submissions, counsel for Petitioner, states that he would like to withdraw the present writ petition with liberty to urge all the ground urged herein before the Arbitral Tribunal.
3. At the same time, he also points out that the timelines for the Petitioner to file their statement of defence expired on 18th September, 2024. He submits that he had requested the Arbitral Tribunal to extend the said timelines since he had preferred the instant writ petition impugning the said order. In such circumstances, counsel for the Petitioner states that since he is withdrawing the present writ petition, the timelines to file the reply/



statement of defence ought to be extended.

4. Counsel for Respondent No. 1, while objecting to maintainability of the present writ petition, states that he has no objection to the extension of the timelines sought by the Petitioner.

5. In light of the foregoing, the present writ petition is dismissed as withdrawn with liberty as sought by the Petitioner. In light of facts and circumstances noted above, the Petitioner is permitted to file their reply/statement of defence to the statement of claim filed by Respondent No. 1 on or before the next scheduled date before the Arbitral Tribunal – i.e., 6th December, 2024.

6. All rights and contentions of the parties are left open. It is made clear that the Court has not examined the merits of the case.

7. The writ petition, along with pending applications, is disposed of as aforesaid.

SANJEEV NARULA, J

NOVEMBER 13, 2024

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