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

+ W.P.(C) 9007/2025 and CM APPL.38398/2025 (Stay)

RITA KALITA

.....Petitioner

Through: Ms. Madhusmita Bora, Mr. Riju Raj
Singh Jamwal, Mr. Bijay Kumar
Pradhan and Mr. Dipankar Singh,
Advs.

versus

HERO MOTOCORP LIMITED

.....Respondent

Through: Mr. Rahul Malhotra, Mr. Rishu Kant
Sharma, Mr. Rahul Saxena, Mr.
Aryan Jha, Mr. Unnath Sadh, Advs.
along with Mr. Siddharth Tiwari, AR.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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04.07.2025

1. The present petition assails an order dated 19.05.2025 passed in arbitration proceedings bearing Case File Ref. No. DIAC/9971/12-24 by the learned Sole Arbitrator.
2. The grievance of the petitioner is that in the ongoing arbitral proceedings between the petitioner and the respondent, the learned Arbitrator is proceeding without deciding the central issue of (lack of) jurisdiction.
3. During the course of hearing, it transpires that in the aftermath of the order dated 19.05.2025, passed by the learned Arbitrator, the petitioner has preferred an application under Section 16 of the Arbitration and Conciliation Act, 1996. Admittedly, the said application is yet to be considered by the learned Sole Arbitrator. In fact, learned counsel for the respondent submits



that even advance copy thereof has not been served on learned counsel for the respondent.

4. In the above background, at this stage, learned counsel for the petitioner seeks to withdraw the present petition with liberty to pursue his application under Section 16 of the Arbitration and Conciliation Act, 1996 filed before the learned Sole Arbitrator. He also assures that advance copy thereof shall be given to learned counsel for the respondent prior to the next date of hearing before the learned Sole Arbitrator.

5. In the circumstances, the present petition is dismissed as withdrawn, with liberty, as prayed for.

SACHIN DATTA, J

JULY 4, 2025/cl