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

+ **O.M.P.(I) (COMM.) 327/2024**

HERO MOTOCORP LIMITED

.....Petitioner

Through: Mr. Rahul Malhotra, Mr. Rishu Kant
Sharma and Ms. Kashish Mathur, Advocates.

versus

SHREE BALAJI MOTORS

.....Respondent

Through: Mr. Counsel (appearance not given).

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

03.04.2025

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1. This petition is preferred on behalf of the Petitioner under Section 9 of Arbitration and Conciliation Act, 1996 ('1996 Act') seeking appropriate directions to the Respondent to withdraw the legal notice dated 15.09.2024 with immediate effect.

2. On 23.09.2024, when this petition was taken up for admission, Court noted the contentions of the Petitioner in paragraph-3 of the order and restrained the Respondent from taking any action on the basis of the notice dated 15.09.2024 till the next date of hearing. It was also noted in the order that in the arbitral proceedings pertaining to same/similar subject matter had concluded and Arbitral Tribunal had reserved the award. Interim order has continued till date.

3. Learned counsels for the parties jointly apprise the Court that during the pendency of this petition, Arbitral Tribunal has passed the award on 05.12.2024 and Respondent has taken recourse to legal remedies to



challenge the same. In light of this development, learned counsel for the Petitioner submits that the impugned notice be withdrawn and petition be allowed.

4. Learned counsel for Respondent does not dispute that arbitral award has been challenged by the Respondent and while the Respondent has no objection to withdrawing the notice dated 15.09.2024, however, this should not impact the rights and contentions of the Respondent raised in the objections filed to the arbitral award.

5. Since the subject matter of this petition is also the subject matter of the arbitral award and Respondent seeks to withdraw the impugned notice dated 15.09.2024, no further order is required to be passed in this petition, save and except, noting the stand of the Respondent that the notice stands withdrawn. The withdrawal of this notice will not prejudice the rights and contentions of the parties in the challenge to the arbitral award dated 05.12.2024.

6. Petition stands disposed of in the aforesaid terms.

JYOTI SINGH, J

APRIL 3, 2025

S.Sharma/shivam