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

+ O.M.P. (T) (COMM.) 119/2024 & I.A. 43557/2024

NEOGROWTH CREDIT PRIVATE LIMITEDPetitioner

Through: Mr. Ajay Goyal, Ms. Jyoti Sharma,
Mr. Arvind Kumar, Advocates

versus

TRIPPLE S GARMENTS & ANRRespondents

Through:

+ O.M.P. (T) (COMM.) 124/2024 & I.A. 43581/2024

NEOGROWTH CREDIT PRIVATE LIMITEDPetitioner

Through: Mr. Ajay Goyal, Ms. Jyoti Sharma,
Mr. Arvind Kumar, Advocates

versus

SHRI SHYAM SUPER STORE & ANRRespondents

Through:

+ O.M.P. (T) (COMM.) 126/2024 & I.A. 43584/2024, I.A. 43585/2024

NEOGROWTH CREDIT PRIVATE LIMITEDPetitioner

Through: Mr. Ajay Goyal, Ms. Jyoti Sharma,
Mr. Arvind Kumar, Advocates

versus

SHIVAM COMPUTERS AND COMMUNICATION & ANR.

.....Respondents

Through:

+ O.M.P. (T) (COMM.) 130/2024 & I.A. 43839/2024

NEOGROWTH CREDIT PRIVATE LIMITEDPetitioner



Through: Mr. Ajay Goyal, Ms. Jyoti Sharma,
Mr. Arvind Kumar, Advocates

versus

IKKI SAREE CENTRE & ORS

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

18.02.2025

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1. The instant petitions under Section 15 of the Arbitration & Conciliation Act, 1996 have been filed by the Petitioner for appointment of a substitute Arbitrator.
2. Material on record indicates that the Petitioner, which is a Non-Banking Financial Company (NBFC), entered into loan agreements with the Respondents. Since there was failure on the part of the Respondents in repayment of loans, the Petitioner unilaterally appointed an Arbitrator to adjudicate upon the disputes between the parties. The said appointment is hit by the law laid down by the Apex Court in Perkins Eastman Architects DPC & Anr. v. HSCC (India) Limited, (2020) 20 SCC 760 and also in Central Organisation for Railways Electrification (CORE) v. ECI SPIC SMO MCML (JV) A Joint Venture Company, 2024 SCC OnLine 3219.
3. When this Court gave a suggestion to the learned Counsel for the Petitioner that the Petitioner has to once again issue a notice under Section 21 of the Arbitration & Conciliation Act and approach the Court under Section 11 of the Arbitration & Conciliation Act, the learned Counsel for the Petitioner seeks permission to withdraw the present petitions with liberty to issue a fresh notice under Section 21 of the Arbitration & Conciliation Act



and then approach this Court by filing petitions under Section 11 of the Arbitration & Conciliation Act.

4. Permission and liberty, as prayed for, is granted.
5. The petitions are disposed of as withdrawn along with pending application(s), if any.
6. It is made clear that this Court has not made any observation on the merits of the case.

SUBRAMONIUM PRASAD, J

FEBRUARY 18, 2025

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