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

+ **ARB. A. (COMM.) 54/2024, I.A. 44812/2024&I.A. 44813/2024
I.A. 614/2025**

SELZ EXPORTS PVT. LTD.

.....Appellant

Through: **Mr. Aabhas Kshetarpal, Mr. Dhiliban
Varadarajan and Mr. Harsh N. Dudhe,
Advs.**

versus

CEPHAM MILK SPECIALITIES LIMITED & ANR.

.....Respondents

Through: **Mr. Manish Vashisht, Sr. Adv. with
Mr Sameer Vashisht and Ms. Harshita
Nathrani, Advs. for R-1.
Mr. Rajiv Garg, Mr. Ashish Garg and
Mr. Govind Singh, Advs. for R-2.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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06.03.2025

1. Heard learned counsel for the parties.
2. The grievance of the appellant-claimant in the instant appeal, in essence, is against the decision of the Arbitral Tribunal in allowing the impleadment application of respondent no.1, herein, to the Arbitral Proceedings.
3. During the course of hearing, the Court was of the *prima facie* view that the challenge to the impugned decision, if necessary, may be subsequently raised at a later stage by way of an petition under Section 34 of the Arbitration and Conciliation Act, 1996 [**'A&C Act'**].



4. Learned counsel appearing for the appellant-claimant, thus, on written instructions from his client, seeks liberty to withdraw the instant appeal. However, he prays that the appellant-claimant may be granted the liberty to raise the issues involved herein at the later stage, should the necessity to file the Section 34 petition arise.

5. The aforesaid prayer made by the learned counsel for the appellant-claimant is not opposed by the learned senior counsel appearing for the respondents. Rather, learned senior counsel submits that he would raise no objection in case the appellant-claimant herein agitates the grounds and issues raised herein at the stage of the Section 34 petition.

6. The aforesaid submissions advanced by the learned counsel for the parties seem equitable. In view of the same, the Court deems it appropriate to allow the instant appeal to be withdrawn, while reserving the liberty to raise the grounds and contentions involved, herein, in the Section 34 petition. The submission of the respondents that they shall not oppose the same on the ground of maintainability, is also taken on record.

7. Leaving all the rights and contentions open, the instant appeal stands disposed of as withdrawn.

MARCH 6, 2025/p/sp

PURUSHAINdra KUMAR KAURAV, J

Click here to check corrigendum, if any