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

+ **ARB.P. 1846/2024**

**MAGNUM MAINTENANCE SERVICES
PVT. LTD.**

.....Petitioner

Through: Mr. Arkaneil Bhaumik, Mr.
Adhishwar Suri and Ms. Fiza Chopra, Advocates.

versus

AJAY KADYAN & ANR.

.....Respondents

Through: Mr. Nitin Jain and Mr. D. Singh,
Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

01.05.2025

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1. This petition is preferred on behalf of the Petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('1996 Act') for appointment of an Arbitrator.
2. Learned counsel for the Respondents takes a preliminary objection to the maintainability of this petition on the ground that this Court lacks the territorial jurisdiction to entertain the petition and in support of this plea relies on the judgment of the Supreme Court in *Arif Azim Co. Ltd. v. Micromax Informatics FZE*, 2024 SCC OnLine SC 3212.
3. Learned counsel for the Petitioner, fairly and candidly, on instructions, seeks to withdraw this petition in light of the judgment of the Supreme Court in *Arif Azim (supra)*, with liberty to approach the Court of competent jurisdiction in terms of Article 17.6 of the Maintenance

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Agreement. Learned counsel for the Respondents, on instructions, submits that Respondents shall not raise any objection to the jurisdiction if the Petitioner takes steps in accordance with Article 17.6 of the Maintenance Agreement.

4. Petition stands disposed of as withdrawn with liberty to the Petitioner to approach the Court of competent jurisdiction for appointment of Arbitrator in consonance with Article 17.6 of the Maintenance Agreement.

5. It is made clear that this Court has not expressed any opinion on the merits of the case and the petition is disposed of as withdrawn for want of territorial jurisdiction of this Court.

JYOTI SINGH, J

MAY 01, 2025/shivam

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