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

+ **ARB.P. 118/2025**

M/S MHPL INFRA JV & ORS.

.....Petitioners

Through: Mr. Pranit Bag, Ms. Radhika Misra,
Mr. Anuj Mishra, Mr. Sahil Chandra,
Advocates.

versus

**UTES LIMITED A GOVERNMENT OF INDIA ENTERPRISE &
ANR.**

.....Respondents

Through: Mr. G.S. Chaturvedi and Mr. Virat
Vibhav Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

04.02.2025

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1. This petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 has been filed on behalf of the Petitioners for appointment of an Arbitrator to adjudicate upon the disputes which have arisen between the parties under the Joint Venture Agreement dated 25.06.2021.
2. It is stated that the disputes have arisen between the parties under the Joint Venture Agreement dated 25.06.2021.
3. Learned Counsel appearing on behalf of the Respondents has raised two preliminary objections. Firstly, it is stated that the special conditions of Joint Venture Agreement dated 25.06.2021 which contains an Arbitration Clause describes the city of jurisdiction as Kolkata. It is stated that the special conditions of Joint Venture Agreement dated 25.06.2021 will override the general conditions of Joint Venture Agreement dated



25.06.2021 which provides the seat of Arbitration as Delhi. The second objection is that the procedure for invoking arbitration under the special conditions of the said Agreement has not been complied with.

4. Concurrently, learned Counsel for the Petitioners states that he will withdraw the instant petition and approach the jurisdictional Court at Kolkata to file the petition.

5. Leave and liberty, as sought for, are granted.

6. It is made clear that this Court is not making any observation on the second objection raised by the learned Counsel for the Respondents.

7. The petition is disposed of as withdrawn along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

FEBRUARY 4, 2025

RJ