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

+ **ARB.P. 582/2026**

JAIPRAKASH POWER VENTURES LTD JPVLPetitioner

Through: Mr. Pawan R Upadhyay, Mr. Piyush Gupta, Ms. Aditi Anup, Mr. Himanshu Rao, Advocates

versus

M S KASTURI LAL HAR LAL LIMITED KLHLRespondent

Through: Ms Ruchira Gupta, Ms Sumriddhi Agrawal, Mr Mohtisham Ali, Mr Nitender Yadav, Advs.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **29.05.2026**

1. This is a petition under Section 11 of the Arbitration & Conciliation Act, 1996 for appointment of an Arbitrator to adjudicate the disputes between the parties.
2. Learned Counsel for the Respondent states that the Letter of Award dated 27.05.2024 has been issued by Jaypee Nigrie Super Thermal Power Plant, which has been described as a company. Attention of this Court has also been drawn to the notice issued under Section 21 of the Arbitration & Conciliation Act wherein notice has been issued on behalf of Jaypee Nigrie Super Thermal Power Plant. However, the present petition has been filed on behalf of Jaiprakash Power Ventures Ltd JPVL. It is, therefore, stated that the Petitioner has no locus to file the present Petition.



3. Confronted with this, learned Counsel for the Petitioner seeks permission to withdraw this petition with liberty to file a fresh notice under Section 21 of the Arbitration & Conciliation Act in the name of Jaiprakash Power Ventures Ltd JPVL explaining the nature of acceptance and the status of Jaypee Nigrie Super Thermal Power Plant and then file a petition under Section 11 of the Arbitration & Conciliation Act, if need so arises in future.
4. Liberty is granted to the Petitioner to file a fresh petition under Section 11 of the Arbitration & Conciliation Act, which is otherwise hit by the Judgment passed by the Apex Court in M/s HPCL Bio-Fuels Ltd. v. M/s Shahaji Bhanudas Bhad, **2024 SCC OnLine SC 3190**, under which Order XXIII Rule 1 of the CPC applies to petitions under Section 11 of the Arbitration & Conciliation Act.
5. With these observations, the petition is disposed of as withdrawn along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

MAY 29, 2026

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