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

% Judgment delivered on: 25.01.2023

+ W.P.(C) 57/2023 & CM APPL. 131/2023

M/S SUNRISE ASSOCIATE & ORS. Petitioners
versus

M/S CAVENDISH INDUSTRIES LTD & ANR. Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Ashutosh Kumar, Mr. Sajan Prasad,
Mr. Abhyankar Pratap and Mr. Pranav
Gupta, Advs.

For the Respondent : Mr. Nakull Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

1. After hearing arguments of learned counsel for the parties extensively as well as the basis upon which the impugned order has been passed by the learned Arbitral Tribunal, with the consent of the parties, this Court passes the following directions:-

- (i) The petitioner is permitted to file its evidence by way of an affidavit before the learned Arbitral Tribunal on the basis of the original Statement of Defence and the documents filed thereto, without prejudice to its rights and contentions.
- (ii) The affidavit forming part of the impugned order

shall not be read in evidence by the Arbitral Tribunal.

- (iii) The direction as contained in para 14 of the Tribunal's order is extended to 15 days from today and the petitioner is permitted to file its affidavit by way of evidence as directed in sub para (i) above .
- (iv) The objections, if any, of the respondents may be recorded by the Arbitral Tribunal to be decided at the time of final arguments.

2. In view of the above, the petition stands disposed of with no order as to costs.

3. Whatever costs has been imposed by the Arbitral Tribunal, are not interfered by this Court in the present petition.

TUSHAR RAO GEDELA, J .

JANUARY 25, 2023/ms