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**OMP (COMM.) 11/22**

**Muthoot Plaza Airports Operations Vs. Airport Director, AAI, Thiruvananthapuram**

**Proceedings conducted through Hybrid Mode**

04.03.2025

Present: Mr. Amitabh Sinha counsel for petitioner through VC.

Ms. Pallavi Tayal counsel for respondent through VC.

1. No application for withdrawal of petition has been filed by petitioner despite seeking time to move application for the same on the last date of hearing i.e. on 28.02.2025.

2. The advocate appearing on behalf of petitioner submits that he does not intend to withdraw the petition and he will prefer to get the petition decided on merits by this court only.

3. I am informed that the petition u/s 34 of The Arbitration and Conciliation Act, 1996 preferred by respondent, which was pending in the court of learned Commercial Court, Gautam Budh Nagar, Noida, U.P. has been dismissed in default on 28.02.2025.

4. Learned counsel for respondent submits that the application for restoration of the aforesaid petition is ready which would be filed in due course and respondent, after getting petition restored as per law, will try to get the petition, which was filed earlier to the present petition by petitioner, decided by the court of competent jurisdiction at Noida, U.P.

5. Be that as it may, the petition u/s 34 of The Arbitration and Conciliation Act, 1996 is reported to have been filed by respondent prior to filing of instant petition by petitioner. In that petition, petitioner filed an application under Order VII Rule 10 CPC. The petition preferred by

respondent is reported to have been dismissed in default on 28.02.2025, for which respondent is stated to be in the process of preparation and filing of appropriate application for restoration. Due to dismissal of the petition of respondent, the application of petitioner could not be decided.

6. As prayed by counsel for respondent, list for consideration on 19.05.2025.

**(Raj Kumar Tripathi)**  
**District Judge (Commercial Court-08)**  
**SE/Saket/New Delhi/04.03.2025 (BR)**