



2025:UHC:7766-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL
HON'BLE THE CHIEF JUSTICE MR. G. NARENDAR
19TH SEPTEMBER, 2025

ARBITRATION APPLICATION NO. 35 OF 2024

M/s Sidmak Laboratories India Pvt. Ltd. Applicant.

Versus

State Infrastructure & Industrial Development
Corporation of Uttarakhand & another
....Respondents.

Counsel for the Applicant : Mr. Akshay Pradhan, learned counsel.
Counsel for the Respondents : Mr. Vipul Sharma, learned counsel.

JUDGMENT : (per Mr. G. Narendar, C.J.)

Heard learned counsel for the applicant and
learned counsel for the respondents.

2. Learned counsel for the applicant would submit that the applicant is invoking clause 9.2 of the Lease Deed dated 15.03.2012 seeking appointment of an Arbitrator to arbitrate the dispute regarding the cancellation notice issued by the respondents- Board.

3. Per contra, learned counsel for the respondents- Board would submit that, initially, the applicant had been allotted certain plots, i.e., Plot Nos.17 and 20, which are lying adjacent to each other and that as per the allotment agreements, the plots were allotted for the purpose of establishing a



pharmaceutical industry and expansion of the same. It is submitted that despite the passage of more than a decade, no commercial activity or construction of any building or factory unit was made on Plot No.17; that in the interregnum, the applicant had sought for merger of both the plots on the premise that he intends to expand the existing unit and the same was permitted. Despite the permission, the applicant did not undertake any activity, either to expand the unit or to establish an additional unit. In that view, the Board took the steps to de-merge the plots and the said proceedings have been agitated by the applicant before this Court in a writ petition, and the dispute is already seized of and pending adjudication before this Court.

4. Learned counsel for the applicant would attempt to convince the Court to view this as an independent agreement.

5. The applicant having sought merger and the Board having attempted to undo the decision permitting the merger and the said issue having reached this court and this Court having been seized of the issue, whether the applicant can be permitted



approve and reprobate? The Applicant having chosen to invoke the jurisdiction of this Court u/a 226 of the Constitution, can he now be permitted to turn around and contend that he is also entitled to invoke the Arbitration clause?

6. *Prima facie*, it was pointed out that the very maintainability of the instant application is questionable.

7. On this being pointed out, learned counsel for the applicant prays leave to withdraw the instant application with liberty to pursue other remedies.

8. The submission is placed on record.

9. The application is dismissed as withdrawn.

G. NARENDAR, C.J.

Dated: 19th September, 2025
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