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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(I) (COMM.) 477/2018**
DEVATAS (INDIA) PRIVATE LIMITED

..... Petitioner

Through: Mr.Jayant K. Mehta, Mr.Manikya
Khanna, Ms.Suveni Bhagat, Mr.Rahul
Kukreja & Ms.Shivangi Dham, Advs.

versus

CENTAUR PHARMACEUTICALS PRIVATE LIMITED

..... Respondent

Through: Mr.Sanjeev Kapoor & Ms.Saman
Ahsan, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **21.12.2018**

IA Nos. 17763 & 17764/2018 (Exemptions)

Allowed, subject to all just exceptions.

O.M.P.(I) (COMM.) 477/2018

This petition under Section 9 of the Arbitration and Conciliation Act, 1996 has been filed by the petitioner *inter alia* making the following prayer:-

“(a) restrain the Respondent, its directors, agents, distributors, nominees, assigns, etc. from acting in breach of the API Development and Supply Agreement with the Petitioner, and in particular, restrain them from making supplies of the Nimorazole API except in accordance with the Agreement.

(b)restrain the Respondent, its directors, agents, distributors, nominees, assigns, etc. from using the intellectual property of

the Petitioner under the API Development and Supply Agreement in any manner contrary to the terms of the Agreement.”

The learned counsel for the respondent, who appears on advance notice, submits that the respondent by its e-mails dated 15.11.2018 and 22.11.2018 has already clarified that it would not be making any supplies of the pharmaceutical product namely Nimorazole, API, as mentioned in the API Development and Supply Agreement dated 06.07.2009 executed between the parties, to Azanta or any other entity without entering into a tripartite agreement with the petitioner or after taking express consent of the petitioner for making such supply.

Learned counsel for the petitioner submits that the petition be disposed binding the respondent to the said submission.

The petition is disposed of accordingly.

NAVIN CHAWLA, J

DECEMBER 21, 2018/rv