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

+ CS (COMM) 120/2020 & IA Nos. 3790-3796/2020

NANDAN DENIM LTD.

.....Petitioner

Through: Mr. Nakul Dewan, Sr. Adv. with Mr. Devang Nanavati, Mr. Rishi Agarwala, Mr. Karan Luthra, Ms. Prachiti Shah, Ms. Aarushi Tikku, Mr. Sambit Nanda & Ms. Anushka, Advs.

versus

LOUIS DREYFUS COMPANY (I) P. LTD.

..... Respondent

Through: Mr. Sudhir Nandrajog, Sr. Adv. with Mr. Ramesh Kanthola & Mr. Virendra Rawat, Advs.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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01.05.2020

1. The hearing was conducted through video conferencing.
2. The *lis* emanates from 14 sale contracts entered between the parties for supply of American raw cotton. The petitioner states that the materials supplied to it were deficient and the consignments were delayed, whereas the respondent states that the petitioner has defaulted in payments and has not accepted the goods offered in terms of the agreement. Apropos the *lis* arbitration proceedings were initiated between the parties and arbitrators were appointed to conduct that arbitration under the Rules of the International Cotton Association (ICA).
3. Without prejudice to their respective contentions, the learned counsel for the parties state, upon instructions, that for the sake of

convenience, they are willing to waive the clause of arbitration proceedings through ICA, and that instead the same shall be conducted under The Arbitration and Conciliation Act, 1996 in terms of the Rules of the Cotton Association of India. The parties agree to:

- i) the formation of a panel consisting of three arbitrators to be headed by Hon'ble Mr. Justice D.R. Dhanuka, (9821142534) former Judge, High Court of Bombay; the other two arbitrators shall be: Hon'ble Mr. Justice S. M. Jhunjhunwala, (022-22671971) former Judge, High Court of Bombay (respondent's nominee) and Mr. Arun B. Sekhsaria (022-67396000) (petitioner's nominee);
- ii) the parties shall appear before the panel of arbitrators on a date that may be intimated to them by Hon'ble Mr. Justice D.R. Dhanuka;
- iii) the fees of the arbitration shall be fixed by the learned Arbitrators themselves;
- iv) the respondent-claimant shall withdraw all its claim from the arbitration before the International Cotton Association;
- v) the parties shall be represented in the arbitration proceedings by lawyers and/or by duly authorised persons; and
- vi) the claim of the parties is not limited to what has been recorded hereinabove.

4. The petition is disposed-off in terms of the above.

5. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsel through email.

NAJMI WAZIRI, J

MAY 01, 2020/kk