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

+ **ARB.P. 708/2022**

UNICHARM INDIA PRIVATE LIMITEDPetitioner
Through: **Mr. Sandeep Phogat, Advocate.**

versus

OM AGENCIESRespondent
Through: **Mr. Ravish Kumar, Advocate.**

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
09.08.2024

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1. The petitioner has filed this petition, under Section 11 of the Arbitration and Conciliation Act, 1996 [“the Act”], for appointment of an arbitrator to adjudicate disputes between the parties arising out of a purported undated distribution agreement, valid from 01.04.2013 to 31.03.2014. The petitioner has filed a copy of the said document [Document No. 2 in the petitioner’s list of documents]. It contains a dispute resolution clause which provides for arbitration [Clause 20.2].

2. However, what transpires in the exchange of pleadings is that the said agreement was not between the petitioner and the respondent at all. This position is accepted by Mr. Sandeep Phogat, learned counsel for the petitioner. He submits that he has, therefore, been instructed to withdraw this petition, with liberty to seek the substantive reliefs sought by the petitioner, in a civil suit.

3. Mr. Phogat states that he will make a request to the Court, in which



the suit is filed, for exclusion of the time spent in this Court, under Section 14 of the Limitation Act, 1963. He is at liberty to do so, and it is for that Court to take a decision on this aspect.

4. The petition is dismissed as withdrawn with liberty as aforesaid.

PRATEEK JALAN, J

AUGUST 9, 2024

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