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

+ O.M.P.(I) (COMM.) 273/2024 (*Disposed of case*)

ANOOP SHARMA

.....Petitioner

Through: Mr. Upmanyu Sharma, Mr. Rajesh Gupta, Advocates.

versus

PUKHRAJ SINGH CHUG & ORS.

.....Respondents

Through: Mr. Prashant Pakhiddey, Mr. Manav Gill, Advocates for R-1 to 6.  
Mr. Santosh Kumar, Mr. Devansh Malhotra, Advocates.  
Mr. Ashish Mohan, Ms. Sagrika Tanwar, Advocates for R-12, 14, 16, 18, 19, 24 to 27.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**13.11.2024**

**I.A. 42517/2024 (on behalf of respondent No.1 seeking corrections in the order dated 23.08.2024)**

1. This is an application filed by the respondent No. 1-applicant, under Section 152 of the Code of Civil Procedure, 1908 ["CPC"], for corrections in an order of this Court dated 23.08.2024, by which the captioned petition, under Section 9 of the Arbitration and Conciliation Act, 1996, was disposed of.

2. The corrections sought by the applicant have been enumerated in a



table in paragraph 6 of the application as follows:

| <i>“Para No.</i> | <i>Existing</i>                                                                                                                                                                                                       | <i>Proposed Correction</i>                                                                                                                                                                                             |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2                | <i>The disputes between the parties arise out of an agreement dated <u>01.04.2020</u>,...</i>                                                                                                                         | <i>The disputes between the parties arise out of an agreement dated <u>01.04.2000</u>,...</i>                                                                                                                          |
| 6                | <i>.... The applicants in the Section 17 application, thereafter, moved the Tribunal for a direction...</i>                                                                                                           | <i>.... The applicants in the Section 16 application, thereafter, moved the Tribunal for a direction...</i>                                                                                                            |
| 7                | <i>.... Indeed, even after the order dated <u>22.09.2022</u>, the petitioner did not challenge the order, but instead addressed an email dated <u>13.01.2023</u>, through its counsel, to the respondents, ...</i>    | <i>.... Indeed, even after the order dated <u>22.09.2023</u>, the petitioner did not challenge the order, but instead addressed an email dated <u>13.10.2023</u>, through its counsel, to the respondents, ...</i>     |
| 8                | <i>...but the Tribunal, which was also copied on the email dated <u>13.10.2022</u>, recused from the proceedings...</i>                                                                                               | <i>...but the Tribunal, which was also copied on the email dated <u>13.10.2023</u>, recused from the proceedings...</i>                                                                                                |
| 10               | <i>No proposal for appointment of a substitute arbitrator has been made by the petitioner to the respondents, despite a passage of approximately ten months since the aforesaid order dated <u>18.10.2022</u>....</i> | <i>No proposal for appointment of a substitute arbitrator has been made by the petitioner to the respondents, despite a passage of approximately ten months since the aforesaid order dated <u>18.10.2023</u>...”.</i> |

3. As far as the corrections sought in paragraphs 7, 8 and 10 are concerned, Mr. Upmanyu Sharma, learned counsel for the petitioner, states that the proposed corrections are accepted by the petitioner, and the order may be corrected accordingly.

4. As far as the correction in paragraph 2 is concerned, it pertains to the date of the agreement between the parties. It is undisputed that the date of the agreement was, in fact, “01.04.2000”, which has erroneously



been recorded as “01.04.2020”. However, Mr. Sharma does not concede to this correction. Having regard to the fact that the correction sought is only in the date of the agreement, which has admittedly been wrongly recorded, I am of the view that the correction ought to be made.

5. The only remaining correction sought by the applicant is in the phrase emphasised below, in paragraph 6 of the order. Paragraph 6 reads as follows:

*“6. In the meanwhile, arguments were heard on the application under Section 17 of the Act, and order was reserved on 10.08.2023. **The applicants in the Section 17 application**, thereafter, moved the Tribunal for a direction that the Section 17 application should also be deferred, as their application on the point of jurisdiction remained pending. They relied upon a judgment of this Court in Arupri Logistics Pvt. Ltd. v. Vilas Gupta & Ors. [2023 SCC OnLine Del 4297]. This submission found favour with the Tribunal which, by order dated 22.09.2023, directed that orders in both the applications will stand deferred to await the judgment of the Supreme Court in Cox and Kings Ltd. v. SAP India Pvt. Ltd. & Anr. [(2022) 8 SCC 1], in which the question of impleadment of non-parties to arbitral proceedings was pending consideration. By this time, judgement in the case had been reserved by the Supreme Court.”*

[Emphasis supplied.]

6. The applicant submits that the application in question was not filed by the applicant in the Section 17 application, but by the respondent Nos. 12 to 41 in the arbitral proceedings, who had filed an application under Section 16 of the Act. Mr. Sharma submits that this error ought not to be corrected, as no application was, in fact, moved for a direction that the Section 17 application should be deferred. He submits that the respondent Nos. 12 to 41 in the arbitral proceedings (who had filed the application under Section 16 of the Act), in fact, moved an application only for revival of the application under Section 16, and not for deferment of the application under Section 17. Learned counsel for the applicant and other



respondents in the petition, on the other hand, submit that the order of the Arbitral Tribunal dated 22.09.2023 records the submission with regard to deferment of the decision on the Section 17 application also.

7. Having heard learned counsel for the parties, I am of the view that the relief sought by the applicant can be granted, as the correction sought is only to the extent that the word “*applicants in the Section 17 application*” be corrected to “*applicants in the Section 16 application*”. No further elaboration or explanation would be appropriate in adjudicating an application under Section 152 of the CPC.

8. The application is therefore disposed of, with the direction that, the order dated 23.08.2024 will stand rectified to the extent enumerated in the table extracted in paragraph 2 hereinabove. The order be read accordingly.

9. The Court expresses regret for the inadvertent errors that have crept into the order dated 23.08.2024, which has unfortunately caused inconvenience to the parties.

**PRATEEK JALAN, J**

**NOVEMBER 13, 2024**

*“Bhupi”/*