



2024:DHC:8309



\$~72

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

%

Date of Decision : 22.10.2024+ **ARB.P. 1678/2024**

PULIN COMTRADE LIMITED

.....Petitioner

Through: Mr. Shreyas Jain, Adv. (through v/c)

versus

THE HANDICRAFTS AND HANDLOOMS EXPORTS
CORPORATION OF INDIA LTD.

.....Respondent

Through: Mr. Akshay Dev, Adv. (through v/c)

CORAM:**HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (Oral)**

1. The present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred as '*the A&C Act*') seeks appointment of a Sole Arbitrator in terms of the arbitration clause incorporated in the agreements dated 13.09.2012 and 25.02.2014, executed between the parties.
2. An arbitral tribunal was previously appointed to adjudicate the disputes between the parties and the same culminated in an award dated 20.09.2023. The said award came to be a subject matter of a petition under Section 34 of the A&C Act which was partly allowed by a Coordinate Bench of this Court vide order dated 24.07.2024.
3. The relevant observation in the said order dated 24.07.2024 *qua* the issue of entitlement of the petitioner to interest in the aforesaid award, are as under:



“28. In the instant case, the learned Arbitrator has failed to appreciate contractual terms subsisting between the parties while rejecting interest under Issue No. III, therefore the said finding is perverse, as no reasons have been given by the learned Arbitrator as to why Clause 8.4 is not applicable or not to be adhered to. In this view, the objection of the petitioner to the Award qua issue No. III is upheld.

29. For the said reasons, the petition is allowed and the finding in the Arbitral Award dated 20.09.2023 qua Issue No. III is set aside. The petitioner is at liberty to take further appropriate steps in accordance with law.

30. In case a fresh petition under section 11 of 1996 Act is filed, the petitioner and the respondent are at liberty to raise all appropriate pleas qua issue No.III.”

4. Consequent to the liberty granted by para-30 of the aforesaid order dated 24.07.2024, the present petition has been filed by the petitioner.
5. Learned counsel for the respondent does not dispute the existence of the arbitration agreement and accedes that an independent Sole Arbitrator be appointed by this Court to adjudicate the outstanding disputes between the parties in the light of the order dated 24.07.2024, passed by this Court.
6. Accordingly, Mr. Anirudh Bakhru, Advocate (Mob. No.: +91 9810133229) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.
7. It is further agreed between the parties that the arbitration shall be conducted under the aegis of, and as per rules of the Delhi International Arbitration Centre (DIAC). It is ordered accordingly. Let a copy of this order be communicated to the Organizer, DIAC.
8. The learned Sole Arbitrator may proceed with the arbitration proceedings subject to furnishing to the parties requisite disclosure as required under Section 12 of the A&C Act.
9. Nothing in this order shall be construed as an expression of opinion



2024:DHC:8309



on the merits of the respective contentions/claims of the parties.

10. The petition is disposed of in the above terms.

SACHIN DATTA, J

OCTOBER 22, 2024/cl