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

+ **W.P.(C) 10889/2021**

M/S AARK PHARMACEUTICALS & ANR.Petitioners

Through: Mr. Sanjay Hegde (Sr. Adv) along
with Mr. Pranjal Kishore, Ms. Raavi
Sharma, Advs.

versus

INDIAN COUNCIL OF MEDICAL RESEARCHRespondent

Through: Mr. Ravi Sikri (Sr. Adv) along with
Mr. Arun Sanwal, Mr. Deepank
Yadav, Mr. Nishant Goyal, Advs.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

19.12.2025

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1. The present petition assails an order dated 26.04.2020 by which the Indian Council of Medical Research (ICMR) allegedly cancelled a purchase order for SARS-CoV-2 Antibody Test Kits. It is further the case of the petitioner that, although the termination order states that all the kits supplied by the petitioner would be returned, however, out of a total of 2,76,000 kits, only 1,48,800 kits have been received. It is further submitted that despite multiple requests, payment of Rs. 8,01,36,000/- for the remaining kits has not been made.

2. *Vide* order dated 04.12.2025, respective counsels for the parties sought time to take instructions as to whether the controversy in the present case, and the *inter-se* disputes can be resolved by way of arbitration, in terms of the Arbitration and Conciliation Act, 1996.

3. In the above background, it is jointly submitted by respective counsel for the parties, that they are agreeable to resolve the disputes which are subject matter of the pending writ petition, through arbitration. It is further



jointly requested that a Sole Arbitrator be appointed for adjudication of the said disputes, in these proceedings itself.

4. Accordingly, at joint request, the following directions are issued:-
 - i. Ms. Justice (Retd.) Deepa Sharma (Mob No. +91 9910384631), former judge, High Court of Delhi, is appointed as the Sole Arbitrator to adjudicate the disputes between the parties, which are the subject matter of the present petition.
 - ii. The learned Sole Arbitrator may proceed with the arbitration proceedings subject to furnishing to the parties the requisite disclosure/s as required under Section 12 of the A&C Act.
 - iii. The arbitration shall take place under the aegis of, and as per the rules of the Delhi International Arbitration Centre (DIAC).
 - iv. All rights and contentions of the parties in relation to the claims/ counter-claims are kept open, to be decided by the learned Sole Arbitrator on their merits, in accordance with law.
5. Needless to say, nothing in this order shall be construed as an expression of opinion of this court on the merits of the case.
6. The present petition stands disposed of in the above terms.

SACHIN DATTA, J

DECEMBER 19, 2025/uk