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

+ **ARB.P. 994/2023**

**PHARMACEUTICALS AND MEDICAL DEVICES BUREAU OF  
INDIA** .....Petitioner

Through: Mr. Manjit Kumar Pathak and Ms.  
Chavvi, Advocates.

versus

**SCOTT-EDIL PHARMACIA LTD AND ANR.** .....Respondents

Through: Mr. Ajay Bahl, Mr. Vikash Sharma  
and Mrs. Deepiksha Bhal, Advocates.

**CORAM:**

**HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER**

**22.04.2025**

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1. This petition is preferred on behalf of the Petitioner under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('1996 Act') seeking appointment of a Sole Arbitrator to adjudicate the disputes between the parties.

2. Petitioner is a Public Sector Undertaking under the Department of Pharmaceuticals and is engaged in business of marketing and distributing generic medicines through Jan Aushadhi Kendra, co-ordinating with the various hospitals across India. Respondent manufactures and supplies different medicines including generic medicines. Petitioner floated a tender for supply of generic medicines which were being sold under different Schemes at subsidised rates to the public at large. Being a successful tenderer, Petitioner placed a supply order on the Respondents for different medicines such as Amoxycilline etc. and as averred in the petition, purchase



amount was paid in advance. Medicines were delivered at the warehouse of the Petitioner and distributed to Jan Aushadhi Kendras at different places.

3. It is the case of the Petitioner that after distribution of medicines, Petitioner started receiving complaints regarding the quality of the medicines and certain samples were also sent for quality checks. On finding that the reports were against the Respondents, Petitioner sought recovery of the amounts paid to the Respondents through a legal notice but there is no response. Petitioner thereafter invoked the arbitration Clause 22 for appointment of an Arbitrator but again there was no response from the Respondents.

4. Mr. Ajay Bahl, learned counsel appearing on behalf of the Respondents, on instructions, submits that Respondents have no objection to the appointment of a Sole Arbitrator by this Court subject to all rights and contentions of the Respondents being left open and at the same time refuting the allegations levelled by the Petitioner in the petition. Learned counsel proposes the name of Sh. J.R. Aryan, learned Additional District Judge (Retd.) as the Sole Arbitrator, to which counsel for the Petitioner has no objection.

5. In view of the aforesaid, with the consent of the parties, Sh. J.R. Aryan, learned Additional District Judge (Retd.) is appointed as Sole Arbitrator to adjudicate the disputes between the parties. Arbitration proceedings will be held under the aegis of DIAC and as per its Rules. Fee of the Arbitrator shall be fixed as per Fourth Schedule of 1996 Act and/or as agreed between the parties.

6. Learned Arbitrator shall give disclosure under Section 12 of the 1996 Act before entering upon reference.



7. It is made clear that this Court has not expressed any opinion on the merits of the case and all rights and contentions of the respective parties are left open.

8. Petition is disposed of in the aforesaid terms.

**JYOTI SINGH, J**

**APRIL 22, 2025/YA/shivam**