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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P. (T) (COMM.) 93/2025
NAV DURGA ENTERPRISESPetitioner
Through: Mr. Rahul Shukla, Mr. Bachita
Baruah Shukla, Mr. Ramandeep Singh, Adv.
versus
DABUR INDIA LTDRespondent
Through: Mr. Hemant Gupta Adv.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
09.10.2025

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1. This is a petition filed under Section 15 of the Arbitration and Conciliation Act, 1996 ("**1996 Act**") seeking substitution/ confirmation of the Sole Arbitrator and passing of the final Award.
2. In the present case, the Sole Arbitrator *vide* Award/ Order dated 06.03.2025, while recording that the respondent had unilaterally appointed the Sole Arbitrator, held himself being *de jure* ineligible to perform his function and closed the arbitral proceedings. Paragraphs No. 17 and 18 of the said Award/ Order reads as under :

"17. In the face of the aforesaid Section 12 (5) of the Act and the binding judgments, there is no doubt that the unilateral appointment of the undersigned Sole Arbitrator by the Respondent under Clause 18 of the Contract between the parties, was impermissible and therefore illegal in the eyes of law. In such a situation if any award on merits would be rendered by the undersigned, it will have no value in the eyes of law and as such would be useless. In other words, it will only be



a wasteful exercise.

18. It is ordered accordingly”

3. Hence, the petitioner has filed the present petition.
4. The learned counsels for both the parties state that the entire fee of the Sole Arbitrator has already been paid.
5. The petitioner has no objection if the same Sole Arbitrator continues with the arbitral proceeding and passes the award and the same is also contended by the learned counsel for the respondent.
6. The statements made by the learned counsels for both the parties shall be binding upon the petitioner and the respondent and it shall be treated as an express agreement in writing, as required under proviso to Section 12(5) of the 1996 Act to waive the applicability of Section 12(5) of the 1996 Act. Additionally, the parties shall also give an NOC to the learned Arbitrator as per proviso of Section 12 (5) of the 1996 Act on the next date as fixed by the Arbitrator.
7. In view of the aforesaid, the present petition is allowed and the Sole Arbitrator already appointed shall conclude the arbitral proceedings and pass an Award in accordance with the law.
8. The petition is disposed of in aforesaid terms.

JASMEET SINGH, J

OCTOBER 9, 2025/AS