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

+ **ARB.P. 1889/2024**

**PHARMACEUTICALS AND MEDICAL DEVICES BUREAU OF
INDIA**

.....Petitioner

Through: Ms. Theepa Murugesan, Mr. Anand
Kumar Pandey, Mr. Kaushal Kishor, Ms. Sanya
Bhatia and Mr. Yogesh Kumar Dubey, Advocates.

versus

ANAND ENTERPRISES

.....Respondent

Through: Mr. Archit Vasudeva, Advocate.

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 being the implementing agency of the scheme of Pradhan Mantri Bhartiya Janaushadhi Pariyojna is engaged in marketing of pharmaceutical goods for which it appoints distributors across India. Respondent was appointed as the authorised distributor of the Petitioner in Patna, State of Bihar vide Agreement dated 09.11.2015. Disputes arose between the parties in relation to the said Agreement and according to the Petitioner an outstanding amount of Rs. 21,63,248/- is due and payable by the Respondent to the Petitioner and accordingly, Petitioner sent a notice

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dated 18.04.2023 invoking Arbitration Clause (xxi) of the Agreement but there was no response from the Respondent.

3. Mr. Archit Vasudeva, learned counsel accepts notice on behalf of Respondent and on instructions, takes an objection to the maintainability of the petition on the ground that the claims are time barred. The existence of the Arbitration Agreement is, however, not denied.

4. Accordingly, this petition is allowed. Coordinator, Delhi International Arbitration Centre ('DIAC') is requested to appoint an 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 as per the DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018.

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

6. 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. It is also left open to the Respondent to raise objection before the learned Arbitrator with respect to the claims of the petitioner being allegedly time barred.

7. Petition is disposed of in the aforesaid terms.

8. Copy of this order be sent to DIAC for information and compliance.

JYOTI SINGH, J

APRIL 22, 2025/YA

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