

DHARAMPAL SATYAPAL SONS PVT. LTD. & ANR.

...COMPLAINANTS

VERSUS

REDACTED

.....RESPONDENT

CORAM:

HON'BLE DR. PANKAJ GARG

AWARD RESERVED ON: 08.01.2022

AWARD DELEIVERED ON: 22.11.2022

ADDITIONAL AWARD

22.11.2022

The present Additional Award is passed on the Application under Section 33 of the Arbitration and Conciliation Act, 1996 of the Respondent filed on 22.12.2021 seeking the modification of the original award passed by this Tribunal on 25.11.2021.

Notice on the Application of the Respondent was issued on 25.12.2021 to the Complainant seeking the reply of the



Complainant. The Complainant filed its reply on 27.12.2021 which was taken on record. The hearing on the Application through Zoom was conducted on 30.12.2021 and 08.01.2022. The Respondent further filed a supplement application under Section 33 of the Arbitration and Conciliation Act, 1996, which was also taken on record. After perusal of all the documents this Tribunal is of a view that Application filed by the Respondent under Section 33 of the Arbitration and Conciliation Act, 1996 is maintainable and also within the limitation period. The Complainant is also not objecting the maintainability and limitation of the Application filed by the Respondent. This Tribunal also perused the documents filed by the Respondent with a supporting affidavit. The settlement agreement between the Complainant and the Respondent was executed on 29th Day of November 2021 and in terms of the settlement agreement the Respondent agreed to transfer the impugned domain name (catch.in) in favour of the Complainant. It is also stated by both the parties that they were under negotiation for the amicable settlement of the dispute but finally the settlement agreement could be signed only on 29.11.2021 while the original award was passed on 25.11.2021. The Respondent submits that he was not having any "Bad Faith" and transferred the impugned domain name in favour the Complainant with the consent of the Complainant under the settlement agreement. It is also stated by the Respondent that the observations of this Tribunal of "Bad



Faith” under original award dated 25.11.2021 is giving an injury of reputation to the Complainant despite the fact that the impugned domain name has been transferred amicably in favour of the Complainant under a settlement agreement.

After considering the available facts and documents this Tribunal reaches to a conclusion that there was no “Bad Faith” on the part of the Respondent and in terms of this conclusion this Tribunal is of the view that original award requires correction by way of an additional award by removing the word “Bad Faith” from the Original Award. The original award passed on 25.11.2021 will remain same except the word “Bad Faith” used in clause (c) at page no.5 of original award, which now stands deleted.

In terms of the application and the settlement executed between the parties, it is appropriate that the details of the Respondent be redacted, so that the name of the Respondent does not appear in the amended award.

Accordingly NIXI is directed not to publish the original award passed on 25.11.2021.




(DR. PANKAJ GARG)
SOLE ARBITRATOR

Place: New Delhi

Date: 22nd November, 2022