

**HIGH COURT OF SIKKIM : GANGTOK**  
Record of Proceedings**IA No. 01/2022**  
**IN**  
**Arb. A. No. 04/2022**

CHHABIL DASS AGARWAL

APPLICANT (S)

VERSUS

STATE OF SIKKIM &amp; ORS.

RESPONDENT (S)

For Applicant : Mr. Rohan Batra, Advocate with Mr. Dhruv Sethi  
and Mr. Hemlal Manger, Advocates.

For Respondents : Mr. Sudesh Joshi, Addl. Advocate General with  
Mr. Sujan Sunwar, Asst. Govt. Advocate.

**Date: 30/11/2022****CORAM:****HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE**

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**O R D E R: (per the Hon'ble, the Chief Justice)**

This is an application taken out by the appellant, Chhabil Dass Agarwal, for the purpose of bringing on record certain additional documents in a proceeding initiated by him before this Court under section 37 of the Arbitration and Conciliation Act, 1996.

After hearing the learned advocates for the parties and upon perusing the application we notice that the additional documents which are annexed to the instant application were never placed either before the learned Arbitral Tribunal nor before the Court which heard the section 34 application, other than one document, being an order-sheet of the Tribunal, which, of course, is already a matter of record.

Since the order-sheet of the Tribunal is a matter of record, there is no need to pass any order for the purpose of bringing the same on record before this Court. However, in respect of other documents, we are unable to accept the

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prayer of the applicant, being the appellant, since those documents were never placed or considered either by the Arbitral Tribunal or before the Court which heard the section 34 application.

In such circumstances, the application, being IA No.01 of 2022, is liable to be dismissed and stands accordingly dismissed.

**(Bhaskar Raj Pradhan)**  
**Judge**

**(Biswanath Somadder)**  
**Chief Justice**

jk/bp/ami