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

+ **FAO(OS) 141/2015**

**THE ORIENTAL INSURANCE COMPANY
LTD**

..... Appellant

Represented by: Mr.Vishnu Mehra, Advocate

versus

UNITECH LIMITED

..... Respondent

Represented by: Mr.Virender Kumar Sharma,
Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **10.02.2016**

1. Having heard learned counsel for the parties and having perused the record of the Arbitrator, we highlight that the policy with reference where to respondent made a claim was issued by the branch of the appellant at Jeewan Vihar Building, 4th Floor, Sansad Marg, New Delhi, and so were the subsequent endorsements to the policy.
2. The record of arbitration would show that all correspondence between the parties was at the appellant's address at Jeewan Vihar Building, 4th Floor, Sansad Vihar, New Delhi.
3. Admittedly the learned Arbitrator sent the award at A-25/27, Asaf Ali Road, New Delhi where the corporate office of the appellant exists.
4. The learned Single Judge has held that challenge to the award dated March 30, 2011, under OMP No.144/2013 was barred by limitation with

reference to the date when the award was received at the Corporate Office.

5. The learned Single Judge has noted as aforesaid but has held that the concerned office at Asaf Ali Road could have sent the award at the Parliament Street Office of the appellant.

6. Learned counsel for the respondents reinforces the reasoning of the learned Single Judge by arguing that at the pre-arbitration stage the claim by the respondent was sent by the branch at Parliament Street to the Corporate Office at Asaf Ali Road and therefrom counsel urges that the officers at Asaf Ali Road were also aware of the fact that the award concerned a policy issued by the appellant's branch at Parliament Street.

7. As regards the argument advanced by learned counsel for the respondent it would be sufficient to note that the multi-tiered administrative hierarchy of the appellant required the claim, pre-reference stage to the Arbitrator, to be sent to the senior officer at the Corporate Office, but no file concerning the policy was maintained at the Corporate Office. A reference sent along with the file was returned with the file after the officer at the Corporate Office dealt with the file and penned his note on the file.

8. Appellant carries on business at various branches and if a policy is issued from a particular branch, which branch defends proceedings before an Arbitrator and the Arbitrator is aware of said fact, it would warrant an opinion to be formed that it is the duty of the Arbitrator to send the award at the branch concerned.

9. Thus, service of the award by post at the Corporate Office cannot be treated as the date of receipt of the award at the proper place. For juristic entities the knowledge would be the date of knowledge by the competent person to whom the communication has to be directed and for purposes of

reckoning limitation it has to be the date when the award was received in the office of the said competent person or by the person herself.

10. Concededly, objections were filed within the period of limitation reckoning commencement of limitation from the date when the award was received at the Parliament Street Office of the appellant.

11. The appeal is allowed. Order dated February 03, 2015 is set aside. OMP No.144/2013 is restored.

12. Registry shall list said OMP before the Judge as per roster on March 01, 2016.

13. No costs.

CM No.5579/2015

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

FEBRUARY 10, 2016

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