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

+ **ARB.P. 171/2016**

HIMANGSU BASU

..... Petitioner

Through: Mr Asit Kumar Roy, Advocate.

versus

AVIVA LIFE INSURANCE THROUGH CEO
& ORS.

..... Respondents

Through: MrChetan Joshi, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **25.10.2016**

1. The petitioner has filed the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereafter 'the Act'), inter alia, praying for appointment of an Arbitrator to adjudicate the disputes that have arisen between the parties in relation to the contract of insurance policy (Proposal No. LP1003206 and policy No. PPG1184016).
2. The terms and conditions agreed upon by the parties include an Arbitration clause which reads as under:-

“Article 23 Arbitration

Any and all disputes or differences which may arise under, out of, or in connection with or in relation to this Policy, or to its existence, validity or termination or to the determination of the amount or any amounts payable, shall be referred to the decision of a sole arbitrator to be appointed in writing by the parties, or, if they cannot agree upon a single arbitrator within 30 days of any party having given notice of arbitration, the same shall be referred to a panel of three arbitrators,

comprising of two arbitrators, one each appointed by the Policyholder and the Company respectively and the third arbitrator (who shall serve as Chairman) to be appointed by such two arbitrators and the arbitration shall be determined in accordance with the provisions of the Arbitration & Conciliation Act, 1996 or any amendment or re-enactment thereof.”

3. The learned counsel appearing for the respondent states that the respondent has no objection if an arbitral tribunal is appointed. He, however, requests that instead of a tribunal of three arbitrators, a sole arbitrator may be appointed as the amount involved is not large. The learned counsel for the petitioner concurs with the aforesaid request.

4. With the consent of the parties, it is directed that an Arbitrator be appointed under the Rules of the Delhi International Arbitration Centre (DIAC). The representatives of the parties shall appear before the Co-ordinator, DIAC on 17.11.2016 at 11:00 AM. The arbitration shall be conducted under the aegis of DIAC and in accordance with its Rules.

5. The petition is disposed of.

VIBHU BAKHRU, J

OCTOBER 25, 2016

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