

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Arbitration Case No. 256 of 2017 (O&M)

Date of Decision: 09.03.2018

S.P.Singla Constructions Pvt. Ltd.

.....Petitioner

versus

The Oriental Insurance Company Ltd.

.....Respondent

CORAM: HON'BLE MR.JUSTICE S.J.VAZIFDAR, CHIEF JUSTICE

Present : Mr. Prateek Gupta, Advocate, for the petitioner.
Mr. J.P.Nahar, Advocate, for the respondent.

S.J.VAZIFDAR, CHIEF JUSTICE

Reply filed on behalf of the respondent is taken on record.

2. This is an application under section 11 of the Arbitration and Conciliation Act, 1996 for the appointment of a sole arbitrator to adjudicate upon the disputes and differences between the parties.

3. The parties had entered into a contract of insurance, clause 7 whereof contains an arbitration agreement. The petitioner claiming that it had suffered a loss which falls within the terms of the insurance policy raised a claim. The respondents did not deny their liability per se. They have merely denied the quantum as per the surveyor's report. The arbitration clause does not prevent such a dispute from being referred to arbitration as the respondent has not denied the liability but only the quantum.

4. Disputes and differences having arisen between the parties, the petitioner invoked the arbitration agreement. The respondents, however, have rejected the claim.

5. Although the arbitration clause contemplates a panel of three arbitrators if the parties do not agree to the appointment of sole arbitrator. Both the parties requested the Court to appoint a sole arbitrator with a view to saving costs and time.

6. In the circumstances, the petition is disposed of by appointing Mr. Justice Rajive Bhalla, a former Judge of this Court, as the sole arbitrator to adjudicate upon the disputes and differences between the parties. The fees shall be as per the Chandigarh Arbitration Centre (CAC) (Administrative Cost and Arbitrator’s Fees) Rules, 2014.

09.03.2018
ravinder

(S.J. VAZIFDAR)
CHIEF JUSTICE

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√