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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 718/2018

M/S SHALIMAR PAINTS LTD.

..... Petitioner

Through: Mr.Sachin Datta, Sr. Adv. with

Mr.Dinesh Sharma, Ms.Ritika Jhurani, Ms.Jipsa

Rawat, Ms.Rijuta Mohanty, Advs.

versus

ORIENTAL INSURANCE CO.LTD.

..... Respondent

Through: Mr.Vishnu Mehra, Ms.Simran Mehrotra,

Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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05.12.2018

1. This petition under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') has been filed by the petitioner seeking appointment of a Presiding Arbitrator for constitution of the Arbitral Tribunal to adjudicate the disputes that have arisen between the parties in relation to the "Standard Fire and Special Perils Policy" bearing No. 530000/11/2014/42 issued by the Respondent in favour of the Petitioner for the period 05/07/2013 to 04/07/2014.

2. During the course of arguments, counsel for the respondent, without prejudice to its contention that the disputes raised by the petitioner are not arbitrable as the petitioner's claim has been fully and finally settled, submitted that instead of a three Member Arbitral Tribunal, the disputes be referred to a Sole Arbitrator so as to prevent additional cost being incurred by the parties.

3. This suggestion has been accepted by the learned senior counsel for the petitioner as well.
4. In view of the above, I appoint **Justice Anil Dev Singh**, Retired Chief Justice of Rajasthan High Court (F-10, Geetanjali Enclave, New Delhi-110017, Mobile-9810060203) as the Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Policy.
5. The Arbitrator shall be entitled to a fee as provided in the Fourth Schedule to the Act.
6. The Arbitrator shall give a disclosure under Section 12 of the Act before proceeding with the reference.
7. All contentions of either party would remain open before the Sole Arbitrator, including the issue of full and final discharge as claimed by the respondent. The Arbitrator shall be free to determine if the objection of arbitrability of the disputes can be treated as a preliminary issue.
8. The petition is disposed of with the above direction, with no order as to costs.

NAVIN CHAWLA, J

DECEMBER 05, 2018
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