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

+ ARB.P. 37/2019

10 P.K. JAIN PROPRIETOR FIBER RESOURCES..... Petitioner
Through Mr.Ajay Kumar Bhatia, Advocate

versus

UNITED INDIA INSURANCE CO Respondent
Through Mr.Pankaj Seth, Advocate

+ ARB.P. 38/2019

11 VISHAL JAIN PROPRIETOR TRADE LINKS (REGD.)... Petitioner
Through Mr.Ajay Kumar Bhatia, Advocate

versus

UNITED INDIA INSURANCE CO Respondent
Through Mr.Pankaj Seth, Advocate

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

ORDER
15.02.2019

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1. The petitioners are seeking appointment of an arbitrator under Section 11 of the Arbitration and Conciliation Act.
2. The petitioners obtained two fire policies from the respondent which contain an arbitration clause.
3. On 25th January, 2017, the fire broke out in the petitioner's premises whereupon the petitioners raised the claim on the respondent towards the loss suffered.
4. The respondent paid a sum of Rs.70,37,700/- to the petitioner in ARB.P.38/2019 and Rs.58,47,860/- to the petitioner in ARB.P.37/2019.

5. On 23rd May 2018, the petitioners intimated the respondent that the amount paid by them was not acceptable and, therefore, an arbitrator be appointed to adjudicate the petitioner's claims.
6. Learned counsel for the respondent does not dispute the arbitration agreement between the parties. Learned counsel, however, disputes the receipt of the invocation letter dated 23rd May, 2018. Learned counsel for the respondent has handed over the office note dated 11th February, 2019 according to which the respondent received the legal notice from the petitioner's counsel seeking appointment of an arbitrator which was forwarded to the Regional Office on 18th January, 2019 but no action was taken thereon.
7. Learned counsel for the petitioner submits that the legal notice received by the respondent be treated as a letter for invocation.
8. The petitions are allowed and Justice D.K. Jain (Retired) (Mobile No.9999922288) is appointed as a sole arbitrator in both the cases to adjudicate the disputes between the parties including their claims and counter claims.
9. The learned arbitrator shall ensure the compliance of Section 12 of Arbitration and Conciliation Act, 1996 before commencing the arbitration.
10. The fees of the arbitrator shall be according to Fourth Schedule of the Arbitration and Conciliation Act, 1996.
11. Copy of this order be sent to the learned Arbitrator.
12. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

FEBRUARY 15, 2019/dk