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

+ ARB.P. 867/2018

STATE TRADING CORPORATION OF INDIA LIMITED

..... Petitioner

Through: Ms.Leena Tuteja and Mr.Ishaan  
Chawla, Advs.

versus

ORIENTAL INSURANCE COMPANY LIMITED ..... Respondent

Through: Mr.Abhishek Kumar Gola, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**

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**14.01.2019**

This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act') seeking appointment of an Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the Standard Fire and Special Perils Policy No.211100/11/2010/27 dated 12.05.2009 issued by Oriental Insurance Company Limited in respect of Peas imported and stored for public distribution. The said Policy contains an Arbitration Agreement in form of Clause 13 thereof.

Disputes having arisen between the parties, the petitioner invoked the Arbitration Agreement vide notice dated 26.11.2015. As the respondent did not agree on appointment of an Arbitrator, the petitioner earlier filed a petition under Section 11 of the Act before the High Court of Calcutta, being AP 283/2018. The said petition was dismissed for lack of territorial jurisdiction by the High Court of Calcutta vide its order dated 02.07.2018.

The petitioner has thereafter filed the present petition.

Learned counsel for the respondent submits that the claim of the petitioner would be barred by the limitation as the petitioner never raised any objection on the quantification of the claim made by the respondent. In my opinion, this is a dispute to be adjudicated by the Arbitrator and cannot be considered at this stage.

In view of the above, I see no impediment in appointing an Arbitrator for adjudicating the disputes between the parties.

The Arbitration Agreement provides for arbitration through three member Arbitral Tribunal upon expiry of 30 days from invocation. Learned counsels for the parties submit that keeping in view the quantum of claim involved, the disputes be referred to a Sole Arbitrator. I find the prayer made by the counsels to be reasonable.

I accordingly appoint Justice S.P. Garg, Retired Judge of this Court (D-72, Saket Court Residential Complex, Saket, New Delhi-110017 Tel.: 9910384627) as a Sole Arbitrator for adjudicating the disputes that have arisen between the parties in relation to the abovementioned Policy.

The Arbitrator shall give disclosure under Section 12 of the Act before proceeding with the reference.

The Arbitration shall be held under the aegis of the Delhi International Arbitration Centre (DIAC) and shall be governed by its rules as to procedure and the fee.

The petition is allowed in the above terms with no order as to cost.

*Dasti.*

**NAVIN CHAWLA, J**

**JANUARY 14, 2019/Arya**