



Arb.O.P.(Comm.Div.) No.579 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.03.2023

Coram

The Honourable Mr.Justice KRISHNAN RAMASAMY

Arb.O.P.(Comm.Div.) No.579 of 2022

OPG Power Generation Pvt. Ltd.,
Represented herein by its Authorised Signatory
Mr.P.Venkat Subramanian
Assit. General Manager,
OPG Nagar, Periyaobulpuram Road,
Gummidipoondi, Tiruvallur District – 601 201.

...Petitioner

Versus

United India Insurance Co. Ltd.,
Divisional Office,
1st Floor, Chander Plaza, 48 Arcot Road,
Saligramam, Chennai – 600 093.

...Respondent

Original Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 praying to appoint a Sole Arbitrator to decide the claim of the petitioner.

For Petitioner : Ms.Tanya Kapoor

For Respondent : Ms.M.B.Divya



ORDER

WEB COPY This petition has been filed by the petitioner seeking to appoint a Sole Arbitrator to adjudicate the dispute between the parties.

2. Today, when this petition was taken up for hearing, Ms.Tanya Kapoor, learned counsel for the petitioner submitted that the petitioner has served the Notice dated 22.12.2021 invoking arbitration under Section 21 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'Act') to the respondent, well within the period of limitation. She further submitted that as per the terms of Clause 12 of the Industrial All Risk Insurance Policy entered into between the parties, the dispute between the parties is arbitrable and the same shall be resolved by an Arbitrator as per the Act. Hence, the petitioner has come up with the present petition.

3. *Per contra*, Ms.M.B.Divya, learned counsel appearing for the respondent refuted that the issue involved in this case is not arbitrable. She further submitted that the respondent has filed the counter affidavit denying the averments made by the petitioner in this petition.



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4. In the above circumstances, the learned counsel for the petitioner sought the permission of this Court to withdraw the present petition and also, prayed this Court to grant liberty to the petitioner to work out the remedy by approaching the appropriate forum, within a time frame as stipulated by this Court. She has also made an endorsement to that effect in the petition.

5. The learned counsel appearing for the respondent submitted that liberty may be granted to the petitioner to work out the remedy by way of filing a civil suit before the competent Civil Court.

6. In view of the above submissions made by the learned counsel on either side, this petition is dismissed as withdrawn and liberty is granted to the petitioner to work out the remedy by filing a civil suit before the competent Civil Court, on or before 20.04.2023.

16.03.2023

mrr

Index : Yes/No

Note to Registry: Issue order copy on 20.03.2023



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KRISHNAN RAMASAMY, J.

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