

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

**Arbitration Case No. 370 of 2022  
Date of decision: 30<sup>th</sup> January, 2023**

M/s Mahaluxmi Enterprises

Petitioner

Versus

United India Insurance Co. Ltd.

Respondent

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Jimmy Singla, Advocate for the petitioner.  
Mr. S. S. Sidhu, Advocate for the respondent.

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**AVNEESH JHINGAN, J (Oral):**

This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') for appointment of an arbitrator for adjudication of disputes between the parties.

The petitioner was insured with the respondent-Insurance Co. The petitioner sustained loss in a fire incident. With regard to settlement of the claim, Clause 8 of the general terms and conditions provides for dispute resolution through arbitration.

The petitioner served notice dated 20.7.2022 under Section 21 of the Act. The needful having not been done, the present petition was filed.

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

Learned counsel for the respondent opposes the prayer and submits that the claim amount was paid as per the assessment made by the surveyor and the petitioner had received the amount of claim.

Learned counsel for the parties agree that Mr. J. R. Chauhan, District & Sessions Judge (Retd.) be appointed as an arbitrator.

Accordingly, the present petition is accordingly disposed of

by appointing Mr. J. R. Chauhan, District and Sessions Judge (Retd.), H. No. 2151, Sector 13-17, Panipat as the sole arbitrator subject to declaration to be made by him under Section 12 of the Act with regard to independence and impartiality to settle the dispute between the parties.

Needless to say that the respondent would be at liberty to raise the pleas as raised for opposing the petition before the arbitrator at an appropriate stage.

The arbitrator shall be paid fee in accordance with the Fourth Schedule of the Act, as amended. The fee of the arbitrator will be equally borne by both the parties.

The arbitrator is requested to complete the proceedings as per time limit specified under Section 29A of the Act.

It is clarified that the reference shall be subject to the petitioner's complying with all the requirements of the agreement including the condition of pre-deposit.

Since the main case has been disposed of, pending applications, if any, stand disposed of.

Copy of the order be sent to the appointed arbitrator.

**[AVNEESH JHINGAN]**  
**JUDGE**

**30<sup>th</sup> January, 2023**  
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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |