

**IN THE SUPREME COURT OF INDIA**  
**CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. \_\_\_\_\_ OF 2026**  
**(Arising out of SLP (C) No. 9822 of 2026)**

**THE ORIENTAL INSURANCE CO. LTD.                      ...Appellant(s)**

**VERSUS**

**BABA JALPESH HINGHAR PRIVATE LIMITED    ...Respondent(s)**

**WITH**

**CIVIL APPEAL NO. \_\_\_\_\_ OF 2026**  
**(Arising out of SLP (C) No. 9811 of 2026)**

**THE ORIENTAL INSURANCE CO. LTD.                      ...Appellant(s)**

**VERSUS**

**BABA JALPESH HINGHAR PRIVATE LIMITED    ...Respondent(s)**

**O R D E R**

- 1) Leave granted.
- 2) Mr. Dhruba Ghosh, learned senior counsel, along with Mr. Tavish Bhushan Prasad, Advocate on Record, appears for the sole respondent.
- 3) With the consent of learned counsel appearing for both the sides, these appeals are finally heard.

4) The appellant-Insurance Company has preferred these appeals assailing the order dated 16.12.2025 passed by the High Court in AP-COM/931/2025 and AP-COM/936/2025 filed by the respondent under Section 11(4) read with Section 11(6) of the Arbitration and Conciliation Act, 1996 ('1996 Act' for short).

5) After hearing learned counsel for the parties at length and looking to the nature of arbitration clause, it is clear that each party was required to appoint an Arbitrator first and in case, they fail to appoint sole Arbitrator and then they shall constitute the Arbitral Tribunal by appointing third Arbitrator in terms of the said clause. In the present case, constitution of the Tribunal has been made by the High Court without going to the issue of sole Arbitrator.

6) During the course of hearing, learned counsel for both the parties have consented that Hon'ble Mr. Justice S. P. Talukdar, former Judge of the High Court at Calcutta, may be appointed as sole Arbitrator and he may proceed with the arbitration following Fourth Schedule of the 1996 Act.

7) In view of the above by the consent as made before us, we set aside the order passed by the High Court and appoint Hon'ble Mr. Justice S.P. Talukdar, former Judge of the High Court at Calcutta, as the sole Arbitrator.

8) The Registry of the High Court shall follow the procedure of taking consent from learned Arbitrator as prescribed and thereafter, the learned Arbitrator may proceed in accordance with law.

9) In consequence of setting aside of the impugned order, the Arbitrators appointed by the High Court stand discharged. Accordingly, the appeals stand allowed in the aforesaid terms. Pending application(s), if any, shall stand disposed of.

....., J.  
[ J.K. MAHESHWARI ]

....., J.  
[ ATUL S. CHANDURKAR ]

**New Delhi;**  
**March 20, 2026.**

ITEM NO.26

COURT NO.3

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No. 9822/2026

[Arising out of impugned final judgment and order dated 16-12-2025  
in AP-COM No. 931/2025 passed by the High Court at Calcutta]

THE ORIENTAL INSURANCE CO. LTD.

Petitioner(s)

VERSUS

BABA JALPESH HINGHAR PRIVATE LIMITED

Respondent(s)

(FOR ADMISSION)

(IA No. 79209/2026 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 9811/2026 (XVI)

(FOR ADMISSION)

(IA No. 79116/2026 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

Date : 20-03-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI  
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :

Mr. Devmani Bansal, Adv.  
Mr. Lokesh Kumar Choudhary, AOR  
Mr. Aditya Jha, Adv.

For Respondent(s) :

Mr. Dhruva Ghosh, Sr. Adv.  
Mr. Rohit Banerjee, Adv.  
Mr. Rohit Dutta, Adv.  
Mr. Saptarshi Bhattacharya, Adv.  
Mr. Rohit Aditya, Adv.  
Mr. Aditya Roy, Adv.  
Ms. Priyata Chakraborty, Adv.  
Mr. Tavish Bhushan Prasad, AOR

**UPON hearing the counsel the Court made the following  
O R D E R**

- 1) Leave granted.
- 2) The appeals stand allowed in terms of the signed order. Pending application(s), if any, shall stand disposed of.

**(NIDHI AHUJA)**  
**DEPUTY REGISTRAR**

**(NAND KISHOR)**  
**ASSISTANT REGISTRAR**

**[Signed order is placed on the file.]**