

IN THE HIGH COURT OF JUDICATURE AT PATNA
REQUEST CASE No.76 of 2021

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Poly Kittu Imagings Pvt. Ltd. Rep. through the Director - Dr. Pramod Kumar, Male, Aged about 54 years, S/o Bindesh Kumar Singh, at - A - 301-302, Bailey Kunj Apartment, Mazar Gali, Near P.K. Imaging, P.S. - Rupaspur, Dist - Patna, Bihar - 800014.

... .. Petitioner/s

Versus

The United India Insurance Company Ltd., Branch Office - 1, Commercial House, Kankarbagh, Patna - 800020.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bipin Bihari, Advocate

For the Respondent/s : Mr.Ashok Priyadarshi, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 12-01-2022

Heard learned counsel for the parties.

This application has been moved seeking appointment of an Arbitrator invoking the powers of this Court under Section 11 of the Arbitration and Conciliation Act, 1996.

After the matter was heard for some time, considering the peculiar nature of the Clause containing dispute resolution mechanism by way of an arbitration and in the light of the decision rendered by Hon'ble the Apex Court in **United India Insurance Company Limited & Anr. Vs. Hyundai Engineering and Construction Company Limited & Ors.;**



(2018) 17 SCC 607, learned counsel for the petitioner fairly states that the best forum for resolution of the dispute is not the arbitral Tribunal, but the other specially constituted Tribunals, including the one created under the provisions of the Consumer Protection Act.

Learned counsel for the respondent states that if petitioner seeks appropriate remedies before the appropriate authority within a period of eight weeks from today, the issue of limitation shall neither be raised nor allowed to come in the way of adjudication of the grievances of the petitioner.

Statement accepted and taken on record.

As such, present petition is disposed of reserving liberty to the petitioner to seek appropriate remedy as is so fixed in accordance with law, be it under the provisions of the Consumer Disputes Redressal Forum or any other remedies which the petitioner so chooses.

If petitioner approaches before the appropriate authority within a period of eight weeks from today, the issue of limitation shall not come in the way of adjudication of the grievances of the petitioner on merits;

Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required



and desired;

Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

The concerned Authority shall consider and decide the grievances of the petitioner on merits, in compliance of the principles of natural justice;

The concerned Authority shall pass a reasoned and speaking order within a period of three months from the date of approaching the petitioner before the authority concerned, copy whereof be supplied to the parties;

Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

We have not expressed any opinion on merits and all issues are left open;

If necessary, proceedings during the time of current Pandemic [Covid-19] would be conducted through digital mode;

The instant petition sands disposed of in the



aforesaid terms.

Interlocutory Application(s), if any, also stands
disposed of.

(Sanjay Karol, CJ)

Sujit/Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	17.01.2022
Transmission Date	

