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

+ ARB.P. 99/2024

M/S INTER FILMS INDIA PVT LTD Petitioner
Through: Ms. Ritika Jhurani, Advocate.

versus

M/S NATIONAL INSURANCE CO LTD Respondent
Through: Mr. Amit Kumar Singh & Ms. K.
Enatali Sema, Advocates.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

% **ORDER**
07.03.2024

1. The petitioner has approached this Court under Section 11 of the Arbitration and Conciliation Act, 1996 [“the Act”], for adjudication of disputes between the parties under an insurance policy issued by the respondent on 23.01.2019 entitled “Standard Fire and Special Perils Policy”. The terms and conditions of the policy, include a dispute resolution clause which provides for reference of any disputes or difference with regard to the quantum to be paid under the policy, to be referred to a sole arbitrator or, in the absence of agreement, to a tribunal of three arbitrators.

2. The petitioner made a claim under the policy on 22.08.2019 but is aggrieved by partial acceptance of its claim. It, therefore, invoked arbitration by a letter dated 15.06.2023. The respondent’s reply dated



03.07.2023 appears to contest the merits of the petitioner's claim but not the existence of the arbitration clause.

3. Pursuant to notice issued on 23.01.2024, Mr. Amit Kumar Singh, learned counsel, appears on behalf of the respondent and submits that an arbitrator may be appointed leaving all questions of maintainability and merits open for adjudication.

4. Having regard to the above, with the consent of learned counsel for the parties, the disputes are referred to arbitration of Hon'ble Ms. Justice Asha Menon, former Judge of this Court [Tel:-(+91) 9910384664]. The remuneration of the learned Arbitrator will be computed in accordance with Schedule IV of the Act. The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act, prior to entering upon the reference.

5. It is made clear that all rights and contentions of the parties on maintainability and on merits are left open for adjudication by the learned Arbitrator.

6. The petition is disposed on in terms of the above.

PRATEEK JALAN, J

MARCH 7, 2024

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