

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO. 95 OF 2026

Kestrel Aviation Private Limited

...Applicant

V/s.

ICICI Lombard General Insurance
Company Limited

...Respondent

Ms. Shilpa Kapil *with Mr. Darshit Jain, for the Applicant.*

Ms. Brinda Singh *with Mr. Sarthak Behera i/b. Tuli & Co., for the Respondent.*

CORAM: SANDEEP V. MARNE, J.

DATED: 21 April 2026.

P.C.:

1) This is an application filed under Section 11 of the Arbitration and Conciliation Act, 1996 (**Arbitration Act**) for adjudication of disputes and differences that have arisen between the parties out of Insurance Policy.

2) I have heard Ms. Kapil, the learned counsel appearing for the Applicant and Ms. Singh, the learned counsel appearing for the Respondent.

3) There is no dispute to the position that the Insurance Policy contains arbitration agreement. However, Ms. Singh, raises dispute that

the claim sought to be adjudicated by the Applicant is barred by limitation. In my view, this issue can be decided by the Arbitral Tribunal. Since this Court is satisfied about existence of arbitration agreement between the parties, it would be just and proper to constitute Arbitral Tribunal comprising of a sole Arbitrator.

4) Accordingly, I proceed to pass the following order :

(A) Ms. Alpana Ghone, an Advocate of this Court is hereby appointed as sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of Insurance Policy referred to above. The contact details of the Arbitrator are as under :

Office Address :- 53 Ajaydeep House, 240 Perin Nariman

Street, Fort, Mumbai-400 001.

Email ID :- alpana@alpanaghone.com

Mobile No.:- 89288 05098

(B) A copy of this order be communicated to the learned sole Arbitrator by the Advocates for the Petitioner within a period of one week from the date of upload of this order. The Applicant shall provide the contact and communication particulars of the parties to the Arbitral Tribunal alongwith a copy of this order.

(C) The learned sole Arbitrator is requested to forward the statutory Statement of Disclosure under Section 11(8) read with Section 12(1) of the Act to the parties within a period of 2 weeks from receipt of a copy of this order

(D) The parties shall appear before the learned sole Arbitrator on such date and at such place as indicated by her to obtain appropriate direction with regard to conduct of the arbitration including fixing a schedule for pleadings, examination of witnesses, if any, schedule of hearings etc.

(E) The sole Arbitrator shall be entitled to the fees prescribed under the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018 and the arbitral costs and fees of the Arbitrator shall be borne by the parties in equal proportion and shall be subject to the final Award that may be passed by the Tribunal.

5) All issues on merits, including the issue of limitation are expressly kept open to be agitated before the Arbitral Tribunal.

6) With the above directions, the Arbitration Application is disposed of.

[SANDEEP V. MARNE, J.]

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