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

+ **CM(M) 3990/2024**

INLAND WORLD LOGISTICS PVT. LTD.Petitioner

Through: Ms. Shantha Devi Raman with Mr.
Garvesh Kabra, Mr. Mayank Ranjan
Yadav & Mr. Avinash Dash Pandey,
Advs.

versus

ORIENTAL INSURANCE CO. LTD.Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **05.12.2024**

CM APPL. 71174/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CM(M) 3990/2024

1. The petitioner took two Fire Special Peril insurance policies from the respondent for the period of 04.09.2009 to 03.09.2010. A fire broke out in few of the insured premises causing loss to the petitioner.
2. A Surveyor was appointed who submitted his final report on 31.07.2012. Despite the report of the Surveyor, respondent repudiated the claim of the petitioner.
3. The petitioner filed a consumer complaint before the National Consumer Disputes Redressal Commission ["NCDRC"] which was disposed of on 25.01.2023 setting aside the repudiation with direction to the



respondent to reprocess the claim as per the surveyor's report and to pay the claim within 45 days.

4. It is submitted by the learned counsel that the respondent partially complied with NCDRC's order and made a payment of Rs 11.69 crores which included the principal amount of Rs 5,53,40,401/- and interest of Rs 6,15,17,679/-. The petitioner filed the execution application before the learned NCDRC asserting that the respondent has not fully complied with the decree.

5. On 21.02.2024, the learned NCDRC disposed of the matter, stating that the petitioner has only disputed the interest amount. Petitioner filed the review application which was dismissed by the NCDRC concluding that the decree stands satisfied.

6. Learned counsel for the petitioner submits that even as per the Surveyor's report, net loss payable was Rs 7,01,84,081/-.

7. It is submitted that the disbursed principal amount was lesser than Rs 7,01,84,081/- determined by the Surveyor and therefore the reasons given by NCDRC for filing a separate suit are erroneous and based on misinterpretation of decree.

8. Issue notice of the petition to the respondent by all prescribed modes, subject to taking necessary steps, returnable on 22.04.2025.

RAVINDER DUDEJA, J

DECEMBER 5, 2024

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