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

+ **ARB.P. 721/2024**

TATA CAPITAL LIMITED

.....Petitioner

Through: Mr. Nachiketa Suri, Mr. Raj Kumar,
Mr. Kanishak Bhardwaj, Advs.

versus

RAJPAL SINGH YADAV

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **22.07.2024**

1. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator to adjudicate the disputes between the petitioner and the respondent in terms of Clause 23.1 of the Loan Agreement dated 21.01.2019 bearing No. TCFUC0365000010257638.
2. As per the loan agreement, the respondent was disbursed a loan of Rs. 6,72,000/- and it was to be repaid in 36 EMIs.
3. Since the respondent stopped paying the EMI as per the schedule, the petitioner issued notice dated 01.03.2024 invoking arbitration.
4. Notice was issued in the petition on 21.05.2024.
5. Mr. Nachiketa Suri, learned counsel for the petitioner has handed over a loan application form filled by the respondent, wherein the e-mail of the respondent has been shown as rajpal Yadav9983378786@gmail.com.
6. As per the service report, notice has been served to the e-mail id of the respondent and hence the respondent stands served.



7. There is no appearance on behalf of the respondent.
8. The loan application form is taken on record.
9. In view of the above observations, the petition is allowed and disposed of with the following directions:
 - i) Delhi International Arbitration Centre, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC') shall appoint a Sole Arbitrator to adjudicate upon the disputes between the parties arising out of the Loan Agreement dated 21.01.2019.
 - ii) The remuneration of the learned Arbitrator shall be in terms of the Fourth Schedule of the Arbitration & Conciliation Act, 1996.
 - iii) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
 - iv) It is made clear that all the rights and contentions of the parties, including as to the arbitrability of any of the claim, any other preliminary objection, as well as claims/counter-claims on merits of the dispute of either of the parties, are left open for adjudication by the learned arbitrator.
 - v) The parties shall approach the learned Arbitrator within two weeks from today.

JASMEET SINGH, J

JULY 22, 2024/DM

[Click here to check corrigendum, if any](#)