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

+ **ARB.P. 1592/2024**

TATA CAPITAL LIMITED

.....Petitioner

Through: Mr. Nachiketa Suri and Mr. Raj
Kumar, Advocates.

versus

T2 DHABA & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

17.12.2024

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1. This Petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator as per the Clause 9 of the Loan Agreement dated 09.06.2020 to adjudicate on the disputes which have arisen between the parties regarding repayment of the loan.
2. Notice in the present Petition was issued on 09.10.2024.
3. Affidavit of service has been filed by the Petitioner stating that the Respondents No.1 & 2 have been served on their registered email.
4. Despite service there is no appearance on behalf of the Respondents.
5. The facts of the case reveals that the Petitioner herein sanctioned a loan of Rs.15,18,054/- to the Respondents herein. It is stated that the Respondents defaulted in payment of the EMIs and a loan recall notice dated 14.05.2024 was issued by the Petitioner to the Respondents. It is stated that a Notice dated 30.08.2024 under Section 21 of the Arbitration Act was sent by the Petitioner to the Respondents and despite service of the said notice,



no reply has been given by the Respondents. The Petitioner has, thereafter, approached this Court for appointment of an arbitrator to adjudicate on the disputes which have arisen between the parties.

6. Despite service there is no appearance on behalf of the Respondents.

7. In view of the fact that there are disputes between the parties, this Court is inclined to appoint Mr. Shashank Dewan, Advocate, (Mob No.9999130505) as the Sole Arbitrator to adjudicate upon the disputes between the parties.

8. The arbitration would take place under the aegis of the Delhi International Arbitration Centre (DIAC) and would abide by its rules and regulations. The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

9. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the Arbitration & Conciliation Act within two weeks of entering on reference.

10. All rights and contentions of the parties in relation to the claims/counter-claims are kept open, to be decided by the learned Arbitrator on their merits, in accordance with law.

11. Needless to say, nothing in this order shall be construed as an expression of this Court on the merits of the contentions of the parties.

12. The present petition stands disposed of in the above terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

DECEMBER 17, 2024

Rahul