

OCD 13

ORDER SHEET
AP-COM/656/2025
IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

CHOLAMANDALAM INVESTMENT AND FINANCE
COMPANY LIMITED
VS
SAIF AHMED AND ANR

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date: 25th August, 2025.

Appearance:
Ms. Shrayshee Das, Adv.
Mr. Rohan Kumar Thakur, Adv.
Mr. Tridibesh Dasgupta, Adv.
. . .for the petitioner.

Ms. Sagufta Saba Yasmin, Adv.
. . .for the respondents.

The Court:

1. This is an application for appointment of a learned Arbitrator in terms of the arbitration agreement appearing under Clause 29 of the loan agreement. The dispute arises out of non-payment of the loan amount as per the repayment schedule. The petitioner alleges default. The learned advocate for the petitioner submits that substantial amount is due and payable.
2. This application has been rightly filed before this Court as the procedure prescribed under Clause 29 is no more permissible in view of

the bar under Section 12(5) of the Arbitration and Conciliation Act, 1996. The lender cannot appoint an Arbitrator under the present law.

3. Learned advocate for the respondents submits that the claims are not admitted. Intermittent payments have already been made.
4. The contentions before this Court are factual and are required to be decided by the learned Arbitrator. All questions and objections which are available to the respondents shall be raised before the learned Arbitrator, including the question of limitation.
5. Upon, prima facie, being satisfied that there is an arbitration clause and the dispute is referred to arbitration. The invocation dated July 8, 2025 is on record.
6. The application is disposed of by appointing Mr. Kumar Gupta, learned Advocate [Mobile No. 9830243523] as the Arbitrator, to arbitrate upon the disputes between the parties. This appointment is subject to compliance of Section 12 of the Arbitration and Conciliation Act, 1996. The learned Arbitrator shall fix his own remuneration as per the Schedule of the Act.
7. The application is, accordingly, disposed of.

(SHAMPA SARKAR, J.)