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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **ARB.P. 105/2025**

TATA CAPITAL LIMITED

.....Petitioner

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

versus

MUKESH KUMAR

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **18.02.2025**

1. By way of present petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, referred to as the 'A&C Act'), the petitioner seeks constitution of an Arbitral Tribunal comprising of a Sole arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties entered into a Loan Agreement dated 04.06.2019, Clause 19 of which provides that disputes with respect to the agreement shall be resolved through arbitration as per provisions of A&C Act. It further designates New Delhi as the seat of the arbitration.
3. The petition is accompanied by notice dated 26.09.2024 issued to the respondent under Section 21 of the A&C Act.
4. Learned counsel for the petitioner submits that respondent has been served through speed post as well as email. It is stated that affidavit of service has been filed however, the same is not on record. Ld. Counsel has handed over a copy of the affidavit which is taken on record. Accordingly,



respondent is deemed to be served. Since neither the respondent is represented today nor any reply has been filed on his behalf, it appears that the respondent has no objection to the reference of the disputes to the Sole Arbitrator. In view of the above, the present petition is disposed of with the following directions: -

- i) The disputes between the parties under the said agreement are referred to the DIAC.
- ii) Accordingly, DIAC shall nominate the Sole Arbitrator to adjudicate the disputes between the parties.
- iii) The arbitration will be held under the aegis of the Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi (hereinafter, referred to as the 'DIAC'). The remuneration of the learned Arbitrator shall be in terms of DIAC (Administrative Cost and Arbitrators' Fees) Rules, 2018 or as the parties may agree.
- iv) The learned Arbitrator shall furnish a declaration in terms of Section 12 of the Act prior to entering into the reference.
- v) It is made clear that all the rights and contentions of the parties, including on the existence and validity of the Arbitration agreement, arbitrability of any of the claim/counter claim, any other preliminary objection, need and legality of interim relief, as well as contentions on merits of the dispute by either of the parties, are left open for adjudication by the learned arbitrator.
- vi) The parties shall approach the learned Arbitrator within two weeks from today.

MANOJ KUMAR OHRI, J

FEBRUARY 18, 2025/ga