



\$~2

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

+ **ARB.P. 557/2025**

TATA CAPITAL LIMITED

.....Petitioner

Through: Ms. Nachiketa Suri & Mr. Chirag
Joshi, Advocates.

versus

**DEV NARAYAN MINES AND
MINERALS AND ORS**

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

21.11.2025

%

1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter 'Act') seeking appointment of a Sole Arbitrator for adjudication of disputes between the parties arising out of a Loan Agreement dated 31st January, 2022 (hereinafter 'Agreement').

2. Counsel for the petitioner submits that the Agreement contains an arbitration clause, *i.e.* Clause 13, which provides for adjudication of disputes arising between the parties by way of arbitration. For the sake of convenience, Clause 13 of the Agreement is set out hereinbelow:



13. Arbitration

If any dispute, difference or claim arises between any of the Obligors and the Lender in connection with the Facility or as to the interpretation, validity, implementation or effect of the Facility Documents or as to the rights and liabilities of the parties under these T&Cs or alleged breach of the Facility Documents or anything done or omitted to be done pursuant to the Facility Documents, the same shall be settled by arbitration by a sole arbitrator to be appointed as per the procedure below and to be held at such place as agreed by the Parties in Serial No.13(a) of Annexure 1 hereto of the Agreement.

The Party invoking the arbitration ("Claimant") shall address a notice to the other Party ("Respondent") suggesting the names of not more than three arbitrators, all of whom shall be either retired judges of the District Court, High Court or the Supreme Court or a lawyer having minimum 10 years' relevant experience. The Respondent shall either:

- (i) Confirm in writing acceptance of one amongst the proposed names as the sole arbitrator to the Claimant within a period of ten (10) days from the date of notice ("Notice Period"); or
- (ii) Convey objection, if any, in writing to the Claimant, against the proposed names of the sole arbitrator within the said Notice Period.

However, if the Claimant does not receive any response from the Respondent within the said Notice Period, the Claimant shall be entitled to nominate any one person from amongst the proposed three names as the sole arbitrator and such arbitrator shall be deemed to be appointed by both the Parties.

In the event, the Respondent conveys its objection as per (ii) above, then the appointment of the sole arbitrator shall be referred to the Council for National and International Commercial Arbitration (CNICA) and the arbitrator shall be appointed by them from their panel of arbitrators.

The arbitration shall be conducted under the provisions of the Arbitration and Conciliation Act, 1996 together with its amendments, any statutory modifications or re-enactment thereof for the time being in force. The arbitration proceeding shall be conducted in English language. The award of the arbitrator shall be final and binding on all parties concerned. The cost of arbitration shall be borne by the Obligors.

3. Counsel for the petitioner further submits that since the respondent no.1 defaulted in repaying the loan amount, the petitioner issued notice dated 29th July, 2024 to the respondents invoking the aforesaid arbitration clause under Section 21 of the Act.
4. No reply to the aforesaid notice was received by the petitioner on behalf of the respondent.
5. Hence, petitioner has been constrained to approach this Court by way of the present petition.
6. Notice in the present petition was issued to the respondents on 27th March, 2025.
7. As per the report of the Registry, the respondents have been served through ordinary means.
8. Despite service, none has entered appearance on behalf of the



respondents.

9. Accordingly, the dispute between the parties arising out of the Agreement is referred to the Arbitral Tribunal comprising a Sole Arbitrator. The following directions are issued in this regard:

- a. Mr. Alexander Mathai Paikaday (Mobile No.: +91 7204711976) is appointed as a Sole Arbitrator to adjudicate the disputes between the parties.
- b. The Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act prior to entering into the reference. In the event there is any impediment to the Arbitrator's appointment on that count, the parties are given liberty to file an appropriate application before this Court.
- c. The remuneration of the Arbitrator shall be in terms of Schedule IV of the Act.
- d. The parties shall approach the Arbitrator within two (2) weeks from today.

10. It is made clear that all the rights and contentions of the parties, including the arbitrability of any of the claims and/ or counter claims, any other preliminary objections as well as claims on merits of the dispute of either of the parties, are left open for adjudication by the Arbitrator.

11. The petition stands disposed of in the aforesaid terms.

12. Needless to state, nothing in this order shall be construed as an expression of this Court on the merits of the case.

AMIT BANSAL, J

NOVEMBER 21, 2025/at