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

+ **ARB.P. 1591/2024**

TATA CAPITAL LIMITED

.....Petitioner

Through: Mr. Nachiketa Suri, Mr. Raj Kumar
and Ms. Suman Khatri, Advocates

versus

NAIN SINGH

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

24.02.2025

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1. This is a petition under Section 11(6) of the Arbitration & Conciliation Act for appointment of an Arbitrator to adjudicate upon the disputes which have arisen between the parties.
2. Material on record discloses that the Respondent availed a loan facility from the Petitioner, which is an NBFC. It is stated that an amount of Rs.12,80,529/- was advanced by the Petitioner which was to be repaid in 48 EMIs of Rs.37,807/- each. It is stated that the Respondent has failed to adhere to the loan agreement and a demand notice dated 20.07.2024 was issued by the Petitioner asking the Respondent to pay the entire outstanding amount of Rs.22,03,112.96/-.
3. It is stated that the Petitioner issued legal notice dated 29.08.2024 under Section 21 of the Arbitration & Conciliation Act to the Respondent invoking arbitration. It is stated that since the Respondent has not replied to



the said notice, the Petitioner has approached this Court for appointment of Arbitrator.

4. It is stated that Clause 9 of the loan agreement contains an arbitration clause which provides that the seat of arbitration can either be Delhi/Mumbai/Kolkata/Chennai as may be decided by the Petitioner. It is stated that the Respondent stays in Faridabad, Haryana and the loan agreement was executed in Delhi and this Court being the closest, this Court will have jurisdiction to entertain the present petition.

5. Notice was issued to the Respondent on 09.10.2024. Service has been effected on the Respondent through ordinary mode and through email. Service is complete. However, there is no appearance on behalf of the Respondent.

6. Accordingly, Mr. Bhakti Vardhan Singh, Advocate (Mob: 9818249711) is appointed as the Sole Arbitrator to adjudicate upon the disputes between the parties.

7. 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.

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

9. 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.

10. 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.

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

FEBRUARY 24, 2025
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SUBRAMONIUM PRASAD, J