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

+ **ARB.P. 1724/2024**

TATA CAPITAL HOUSING FINANCE LTDPetitioner

Through: Ms. Shobha Gupta, Ms. Akshita Mishra, Ms. Simranjeet Kaur, Ms Shivika Chaddha and Ms. Misika Chaudhary, Advocates.

versus

KALRA PAPER CONVERTOR AND

TRADERS PVT LTD AND ORSRespondents

Through: Mr. Sachin Dhamija, Mr. Nitin and Ms. Ashmeet, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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11.02.2025

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 appointment of Arbitral Tribunal comprising of a Sole Arbitrator, to adjudicate the disputes between the parties.
2. Learned counsel for the petitioner submits that the parties had entered into a Loan Agreement dated 28.11.2016, Clause 12.18 of which provides that disputes with respect to the Agreement shall be resolved through arbitration as per provisions of A&C Act. It further provides that place of arbitration would be at Delhi/Chennai/Mumbai.
3. Disputes having arisen between the parties, petitioner invoked arbitration vide notice dated 14.07.2023, issued under Section 21 of the A&C Act to which response dated 04.04.2024 has been received.
4. Learned counsel appearing for the respondents, on instructions, submits that the respondents have no objection to the matter being referred



to the Arbitral Tribunal comprising of a Sole Arbitrator.

5. Considering that both the parties have consented to the reference to the Arbitral Tribunal, the present petition is disposed of with the following directions:

- i) The disputes between the parties under the said Agreement are referred to the Arbitral Tribunal.
- ii) Mr. Mehvish Khan, Advocate (Mob: 9319212148) is appointed as 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 11, 2025/rd