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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **O.M.P.(I) (COMM.) 458/2025 & I.A. 27266/2025**
ORIX LEASING AND FINANCIAL SERVICES INDIA LTD

.....Petitioner

Through: Mr. Ashwani Kumar, Advocate

versus

METAL CANS COMPANY & ORS.Respondents

Through: Mr. Sacchin Puri, Sr. Adv with Mr. Siddharth Bhatli, Adv, Ms. Isha Bhalla, Adv, Ms. Mehak Ghaloth, Adv, Mr. Harsh Vardhan, Adv and Mr. Md Hussain, Adv"

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
04.11.2025

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1. The instant petition under Section 9 of the Arbitration & Conciliation Act, 1996 has been filed by the Petitioner with the following prayers:-

"A. Pass ex-parte, ad-interim orders, thereby restraining the Respondent no. 3 from selling, transferring, disposing, letting out, hypothecating, alienating or otherwise parting with the possession of or creating any third-party interest over the immovable property being House No. 8-101, Sector 44, Noida, Distt. Gautam Budh Nagar, Uttar Pradesh-201301 owned by the respondent no. 3.

B. Attach the following bank accounts of the Respondents to the extent of Rs. 61,15,45,203.19/-, due as on 17.10.2025, or in the alternate pass ex parte, ad-interim order directing the respondents to deposit a



sum of Rs. 61,15,45,203.19/- with this Hon'ble Court or furnish a bank guarantee for the said amount to secure the amount in dispute in the arbitration.

i. Bank Account of M/s Metal Cans Company bearing number 003334600003881 maintained with Yes Bank (IFSC Code YES80000038);

ii. Bank Account of Mr. Ajay Gupta bearing number 55001655540 maintained with State Bank of India (IFSC Code SBIN0016087);

iii. Bank Account of Mr. Ramit Gupta bearing number 919010074270165 maintained with Axis Bank (IFSC Code UTIB0003755);

C. Pass ex-parte, ad-interim orders, thereby appointing a Court Receiver to take possession of the immovable property being House No. B-101, Sector 44, Noida, Distt. Gautam Budh Nagar, Uttar Pradesh-201301 owned by the respondent no. 3.

D. confirm the above orders after notice to the respondents.

E. award the cost of the present proceeding so in favour of the Petitioner and against the Respondents; and

F. Pass such other and further order(s)/direction(s) which may be deem fit and proper in favour of the Claimant and against the Respondent.”

2. The facts of the case reveal that the Petitioner has provided a loan facility for the sum of Rs. 6,23,63,000/- to the Respondents in terms of Loan Facility Agreement dated 20.12.2024.

3. It is stated that since there was failure on the part of the Respondents in repayment of the loan amount, a loan recall notice dated 15.09.2025 was



issued by the Petitioner calling upon the Respondents to pay the outstanding amount.

4. It is stated that since the Respondents have failed to respond to the said notice, the Petitioner has approached this Court by filing the instant petition.

5. The Respondents have appeared on advance notice. This Court gave a suggestion to the learned Counsels for the Parties whether this Court should appoint an Arbitrator and direct that the present petition under Section 9 of the Arbitration & Conciliation Act be treated as an application under Section 17 of the Arbitration & Conciliation Act. Both sides have given their consent in this behalf.

6. Let this petition under Section 9 of the Arbitration & Conciliation Act be treated as one under Section 17 of the Arbitration & Conciliation Act and the Arbitrator is requested to hear and pass orders as expeditiously as possible.

7. Accordingly, Justice Rekha Palli, former Judge of the Delhi High Court (Mobile No. 9810012120) is appointed as the Sole Arbitrator to adjudicate the disputes between the parties.

8. 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.

9. The learned Arbitrator is also requested to file the requisite disclosure under Section 12(2) of the Arbitration & Conciliation Act, 1996 within two weeks of entering into reference.

10. 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.

11. With these observations, the petition is disposed of along with pending application(s), if any.

NOVEMBER 4, 2025
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SUBRAMONIUM PRASAD, J