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

+ ARB.P. 2119/2024

TATA CAPITAL LIMITED

.....Petitioner

Through: Mr. Varun Bedi, Mr. Dev Gulati and  
Ms. Swati Ahalawat Advs

versus

RISHABH AGGARWAL & ANR.

.....Respondents

Through: None

**CORAM:**

**HON'BLE MR. JUSTICE ANISH DAYAL**

**ORDER**

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**04.03.2025**

1. This is a petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 ('**A&C Act**') seeking appointment of the Arbitrator for the adjudication of disputes between the parties arising out of the Loan Agreement dated 23<sup>rd</sup> May 2023 executed between the parties.
2. It is stated that the arbitration agreement is recorded in *Clause 9* of the said agreement as applicable to the parties herein. It is stated that *Annexure-I* to this agreement at Serial No. 13 and 14 records that the place of arbitration shall be '*Delhi*' and the jurisdiction shall vest with Courts at Delhi.
3. Since, there were disputes between the parties, the petitioner invoked arbitration *vide* notice dated 24<sup>th</sup> July 2024.
4. It is stated that despite petitioner's request, the parties could not agree to appointment of the Arbitrator as per the aforementioned Clause.
5. Counsel for the petitioner states that *Clause 9* has to be read with *Annexure-I* of the above-mentioned agreement. He states that the place at which the arbitral proceedings have to be conducted, has been specified as



‘Delhi’, in the said *Annexure-I*.

6. As per the service report, email sent by Registry as also by the counsel for petitioner have not bounced back.
7. Tracking report of speed post however, notes that respondents have shifted from the said address.
8. Considering successful service through email IDs of respondents on the loan application form, respondent nos. 1 and 2 are deemed to have been served. However, no one is present on their behalf, despite service.
9. As per counsel for petitioner, the claim is in the range of about 27 lakhs.
10. Accordingly, *Ms. Shreya Mathur, Advocate* (Mobile No. 8527080105) is appointed as the Sole Arbitrator. The Arbitration proceedings shall take place under the aegis of the Delhi International Arbitration Centre (‘DIAC’). The arbitration proceedings shall be conducted under the Rules of the DIAC. The fee of the Sole Arbitrator shall be as per the Fourth Schedule of the A&C Act, as amended by the DIAC Rules.
11. List before the DIAC on 10<sup>th</sup> March 2025. Let a copy of the present order be emailed to Secretary, DIAC on the email [iddelhiarbitrationcentre@gmail.com](mailto:iddelhiarbitrationcentre@gmail.com).
12. Copy of this order be communicated by the Registry to the Respondent through email. Parties to appear before the DIAC, which shall also issue notice to the counsel for the respondent once again.
13. Petition is disposed of with all pending applications, if any.
14. Order be uploaded on the website of this Court.

**ANISH DAYAL, J**

**MARCH 4, 2025/sm/na**