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

+ **ARB.P. 2122/2024**

TATA CAPITAL LIMITED

.....Petitioner

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

versus

PARVEZ AHMED & 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 12th August 2020 executed between the parties.
2. It is stated that the arbitration clause is *Clause 9* of the said agreement as applicable to the parties herein. It is stated that *Annexure-I* to this agreement at Serial Nos. 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 30th August 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-1* 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-1*.
6. Pursuant to notice issued, service report as regards service through



ordinary process is still awaited. Service report also notes that email sent by the Registry has remained unserved while notice sent *via* speed post remain unserved to both the respondents.

7. Affidavit of service has not been filed.

8. Counsel for petitioner states that they have sent an email on 20th February 2025, which has not bounced back, as per instructions. Accordingly, respondents are deemed served. However, no one appears on behalf of respondents.

9. As per counsel for petitioner, the claim is in the range of about 23 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 10th March 2025. Let a copy of the present order be emailed to Secretary, DIAC on the email 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