

ORDER

OCD - 13

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/142/2026
TATA CAPITAL LIMITED
VS
BHAWANI SHANKAR DAGA

BEFORE
HON'BLE JUSTICE GAURANG KANTH
Date: April 01, 2026.

Appearance:-
Ms. Srijani Ghosh, Adv.
Ms. Kripa Kami, Adv.
...for petitioner.

The Court:- Despite service, none appears for the respondents.

The present petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996, seeking appointment of an Arbitral Tribunal comprising a sole Arbitrator to adjudicate the disputes between the parties.

Learned counsel for the petitioner submits that the respondent availed financial assistance from the petitioner to the tune of 29,24,329/- under the Loan Agreement dated 31.05.2024. It is further submitted that the respondents committed defaults in adhering to the payment schedule as agreed between the parties.

In view thereof, the petitioner issued a loan recall notice dated 30.12.2025 calling upon the respondent to clear the outstanding dues. Despite receipt of the said notice, the respondents failed to liquidate the outstanding amount.

Learned counsel for the petitioner further submits that the petitioner invoked the arbitration clause contained in clause No.9 of the said Loan Agreement by issuing notice dated 08.01.2026 under Section 21 of the Arbitration and Conciliation Act, 1996. Despite receipt of the said notice, the respondents failed to respond thereto.

The disputes between the parties arise out of the alleged default in repayment of the loan amount. The notice invoking arbitration was issued on 08.01.2026. Prima facie, it appears that disputes have arisen between the parties in terms of the Loan Agreement dated 31.05.2024 which contains an arbitration clause therein. Accordingly, this Court is satisfied that the present case is a fit case for reference to arbitration.

Accordingly, this Court appoints Ms. Sonia Nandy Advocate (Mob No:-6363565202) as the sole Arbitrator to adjudicate the disputes between the parties.

All questions relating to arbitrability of the dispute, admissibility of the claims, limitation and other issues are kept open to be urged before the learned sole Arbitrator.

The appointment of the learned sole Arbitrator shall be subject to compliance with Section 12 of the Arbitration and Conciliation Act, 1996.

The learned sole Arbitrator shall be entitled to fix the remuneration in accordance with the Fourth Schedule of the Act.

A copy of this order shall be communicated by the petitioner to the learned sole Arbitrator for necessary action.

With the aforesaid directions, the present petition stands disposed of.

(GAURANG KANTH, J.)

R. D. Barua