

OCD-33

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/250/2026

TATA CAPITAL LIMITED
VS
SOURA CONSTRUCTIONS PVT. LTD. AND ORS.

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 20th April, 2026.

Appearance:

Ms. Soni Ojha, Adv.
Mr. Pranit Biswas, Adv.
...for the petitioner

Ms. Indrani Dutta, Adv.
Mr. Diganta Paul, Adv.
...for the respondents

The Court: Affidavit of service is taken on record.

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

Learned Counsel for the petitioner submits that the respondent availed a loan facility from the petitioner to the tune of Rs.36,64,445/- vide loan agreement dated 26.10.2024.

The respondents agreed to repay the said loan with interest in 48 monthly instalments. The respondents committed default from the 10th instalment.

In view thereof, the petitioner vide notice dated 18.01.2026, terminated the contract between the parties and called upon the respondents to clear the outstanding dues of Rs.36,63,309/-.

Despite receipt of the said notice, the respondents failed to liquidate the outstanding amount. The respondents were served with a notice under Section 21 of the Act, dated 11.02.2026. Despite receipt of the said notice, the respondents failed to respond to the same.

In the aforesaid circumstances, the petitioner has approached this Court seeking appointment of a sole arbitrator to adjudicate the disputes between the parties arising out of the alleged default in repayment of the loan amount.

The notice invoking arbitration was issued on 11.02.2026. Prima facie, it appears that disputes have arisen between the parties in terms of the loan agreement dated 26.10.2024 which contains an arbitration clause. This Court has jurisdiction to entertain the present petition in terms of the arbitration clause. Accordingly, this Court is satisfied that the present case is a fit case for reference to arbitration.

Learned Counsel for the respondents has no objection to the appointment of the learned sole arbitrator Mr. Rohit Banerjee, Advocate, High Court, Calcutta.

With the consent of the parties, this Court appoints Mr. Rohit Banerjee, Advocate, High Court, Calcutta, (Mob. No. 9163891670) 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 at liberty to fix the remuneration in accordance with the Fourth Schedule of the said 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.)

S. A.
AR (CR)