

OCD-35

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
COMMERCIAL DIVISION
ORIGINAL SIDE

AP-COM/252/2026

TATA CAPITAL LIMITED
VS
SANJAY KUMAR AGARWAL

BEFORE:

The Hon'ble JUSTICE GAURANG KANTH

Date : 20th April, 2026.

Appearance:

Ms. Soni Ojha, Adv.

Mr. Pranit Biswas, Adv.

...for the petitioner

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.15,19,071/- vide loan agreement dated 28.06.2024.

The respondent agreed to repay the said loan with interest in 36 (Thirty-Six) monthly instalments. The respondent committed defaults from the 12th instalment.

In view thereof, the petitioner vide notice dated 17.10.2025, terminated the contract between the parties and called upon the respondent to clear the outstanding dues of Rs.11,71,999/-.

Despite receipt of the said notice, the respondent failed to liquidate the outstanding amount. The respondent was served with a notice under Section 21 of the Act, dated 12.02.2026. Despite receipt of the said notice, the respondent 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 dispute between the parties arising out of the alleged default in repayment of the loan amount.

The notice invoking arbitration was issued on 12.02.2026. Prima facie, it appears that disputes have arisen between the parties in terms of the loan agreement dated 28.06.2024 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.

Accordingly, this Court appoints Ms. Shohini Chakrabarty, Advocate (Mobile No. 9231661008) 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)