

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION APPLICATION (L.) NO. 25330 OF 2025
ALONGWITH
COMMERCIAL ARBITRATION PETITION NO. 413 OF 2024

Tata Capital Ltd.

....APPLICANT

: VERSUS :

Bhura Singh Gurjar & Anr.

....RESPONDENTS

Mr. Gaurav Jangle with Ms. Ashmita Poojary i/b. I.V. Merchant & Co.,
for the Applicant.

CORAM : SANDEEP V. MARNE, J.

DATED : 14 JANUARY 2026.

P.C :

1) Commercial Arbitration Application (L.) No. 25330 of 2025 is an application filed under Section 11 of the Arbitration and Conciliation Act, 1996 (**the Arbitration Act**) for appointment of Arbitration for adjudication of disputes and differences between the parties arising of Loan-hypothecation-Guarantee Agreement dated 27 June 2020. It appears that the Applicant has also filed Commercial Arbitration Petition No. 413 of 2024 under Section 9 of the Arbitration Act which is not on board today. This Court has already granted ad-interim relief in that petition in favour of the Petitioner in Section 9 petition by order dated 5 January 2025.

2) I have heard Mr.Jangle, the learned counsel appearing for the Applicant. He tenders Affidavit of private service which is taken on record. Despite being served, none has appeared on behalf of the Respondents. The conduct of the Respondents in non-appearance is consistent with their conduct of non-appearance in Section 9 proceedings. In that view of the matter, it is not necessary to await appearance on behalf of the Respondents who are duly served. At the request of the learned counsel appearing for the Petitioner, both the arbitration application as well as arbitration petition, are taken up for analogous hearing.

3) I am satisfied that the Loan-hypothecation-Guarantee Agreement dated 27 June 2020 contains Arbitration Clause No.21. Clause-21 of the Agreement envisages appointment of Arbitrator by the lender. Considering the development of law on the subject for appointment of Arbitrator, the Applicant has filed the present application under Section 11 of the Arbitration Act.

4) Considering the above position, I am of the view that it would be just and proper to appoint a sole Arbitrator to adjudicate the disputes and differences arising between the parties arising out Loan-hypothecation-Guarantee Agreement dated 27 June 2020.

5) Accordingly, I proceed to pass the following order :

(A) Ms.Aanchal Singhania, an Advocate of this Court is appointed as Sole Arbitrator to adjudicate upon the disputes and differences between the parties arising out of Loan-

hypothecation-guarantee Agreement referred to above. The contact details of the Arbitrator are as under :

Office Address :- c/o. Sanjay Jain, Oval House, British Hotel Lane,
Nagindas Master Road, Fort, Mumbai-400 023.

Email ID :- aanchal.singhania@hotmail.com

Mobile No: 881723100

(B) A copy of this order be communicated to the learned sole Arbitrator by the Advocate for the Applicant within a period of one week from the date of uploading of this order. The Applicant shall provide the contact and communication particulars of the parties to the Arbitral Tribunal alongwith a copy of this order.

(C) The learned sole Arbitrator is requested to forward the statutory Statement of Disclosure under Section 11(8) read with Section 12(1) of the Act to the parties within a period of 2 weeks from receipt of a copy of this order.

(D) The parties shall appear before the learned sole Arbitrator on such date and at such place as indicated by her, to obtain appropriate direction with regard to conduct of the arbitration including fixing a schedule for pleadings, examination of witnesses, if any, schedule of hearings etc.

(E) The sole Arbitrator shall be entitled to the fees prescribed under the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018 and the arbitral costs and fees of the Arbitrator shall be borne by the parties in equal portion and shall be subject to the final Award that may be passed by the Tribunal.

6) All rights and contentions of the parties are expressly kept open to be raised before the Arbitral Tribunal.

7) Commercial Arbitration Petition No. 413 of 2024 is permitted to be converted into application under Section 17 of the Arbitration Act. The ad-interim order dated 5 February 2025 shall continue to operate till decision of application filed under Section 17 before the learned Arbitrator.

8) With the above directions, both, the Commercial Arbitration Application, as well as Arbitration Petition are **disposed of**.

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[SANDEEP V. MARNE, J.]