



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION APPLICATION NO.653 OF 2025

Tata Capital Housing Finance Ltd.

....Applicant

V/S

Rahul Sharma & Ors.

....Respondents

Ms. Gilatar Minakshi Amara *for the Applicant.*

CORAM : SANDEEP V. MARNE, J.

DATE : 27 APRIL 2026.

P.C.:

1. This is an Application filed under Section 11 of the Arbitration and Conciliation Act, 1996 (**Arbitration Act**) seeking appointment of a sole Arbitrator for adjudication of the disputes and differences between the parties arising out of Home Loan Agreement dated 17 December 2016.

2. I have heard the learned counsel appearing for the Applicant. By order dated 5 January 2026, this Court had issued notices to Respondents and granted Hamdust. However, since usual mode of service failed, this Court granted liberty to the Applicant to serve the Respondents through substituted mode of paper publication. The learned counsel has accordingly tendered Affidavit of Service which indicates that notices have been published in Financial Express (English) and Jansatta (Hindi) having circulation at Delhi and Lucknow. Respondents are thus duly served. However, none appears on behalf of Respondents.

3. Perusal of the Home Loan Agreement would indicate presence of arbitration clause 12.11. The seat of the arbitration is agreed at Chennai/Delhi/Mumbai with a choice available to the Applicant to choose one out of the three suggested seats. The Applicant has selected Mumbai as the seat of arbitration. Since this Court is satisfied about existence of arbitration agreement, it would be just and proper to appoint a sole Arbitrator for adjudication of disputes and differences between the parties.

4. Accordingly, I proceed to pass the following order:

A) Presolv360 is appointed as Institution for conduct of arbitral proceedings for adjudication of disputes and differences between the parties arising out of the Home Loan Agreement. The contact details of the Institute are as under:

Office Address:- Esperanca Building, Colaba,
Mumbai – 400 001.

Mobile No.: 84477 28708

Email ID:- info@presolv360.com

B) A copy of this order be communicated to the Institute and the Respondents by the Advocate for the Applicant within a period of one week from the date of uploading of this order. The Institute shall nominate the Arbitrator within a period of two weeks of receipt of intimation about 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 Arbitration Act to the parties within a period of two weeks from receipt of a copy of this order.

D) The parties shall appear before the learned Arbitrator on such date and at such place as indicated by him/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 schedule of the Institute 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.

5. All issues on merits are expressly kept open to be agitated before the Arbitral Tribunal appointed as above.

6. With the above directions, Commercial Arbitration Application is **allowed and disposed of**. There shall be no order as to costs.

(SANDEEP V. MARNE, J.)