



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

Arb O.P(COM.DIV.) No. 722 of 2025

Tata Capital Limited
By its Associate Legal Remedial,
R.Kamalakkannan,
Having its office at
1st Floor, Centennial Square,
6A - Dr. Ambedkar Salai,
Kodambakkam, Chennai - 600 024.

..Petitioner

Vs

Mr.Swaminathan Sethuraman,
No.B1, G3 Pattabiraman Street,
Rohini Garden Enclave,
Thennur, Landmark - Na Tiruchy
Trichy - 620 017.

..Responden

Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, to appoint a Sole Arbitrator to adjudicate upon the differences and disputes between the parties under the said agreement dated 10.07.2023 in respect of contract bearing No.TCFBL0481000012155224.

For Petitioner:

Mr.N.K.Vanan

ORDER

Relying on Article 9 of the loan agreement between the petitioner and the respondents, the present petition has been filed after issuing notice dated 31.07.2025 under Section 21 of the Arbitration and Conciliation Act, 1996.



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2. Article 9, in relevant part, reads as under:

9. Arbitration:-

If any dispute, difference or claim arises between any of the Obligors and the Lender in connection with the facility or as to the interpretation, validity, implementation or effect of the facility documents or as to the rights and liabilities of the parties under the facility documents or alleged breach of the facility documents or anything done or omitted to be done pursuant to the facility documents, the same shall be settled by arbitration by a sole arbitrator to be appointed by any of the following institutions:-

(a) The Council for National and International Commercial Arbitration having its office at Unit No.208, 2nd Floor, Beta Wing, Raheja Towers, Nos.113-134, Anna Salai, Chennai-600002

(b) Centre for Online Resolution of Disputes having its office at F-14, 3rd Cross, Manyata Residency, Manyata Tech Park, Bengaluru-560045

(c) The Centre for Alternative Dispute Resolution Excellence having its office at 107C, Mulberry Woods, Janatha Colony, Carmeleram Station Road, Doddakannell, Bengaluru -560035

(d) ADR E-Sarvatra Private Limited having its office at 63, Palace Road, Vasanth Nagar, Bengaluru-560052



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(e) *Any arbitral institution designated under the provisions of the Arbitration and Conciliation Act, 1996 ("the Act") or any panel of arbitrators maintained under the provisions of that Act.*

Hereinafter referred to as ("Institution") in accordance with the rules of the institution as prevailing and as amended from time to time.

3. As is noticeable from Article 9, the petitioner is required to request one of the institutions mentioned above to appoint a sole arbitrator. Instead of complying with the appointment procedure prescribed in the agreement, the petitioner has directly approached this Court for making appointment.

4. Therefore, this petition is disposed of by granting leave to the petitioner to re-apply if the arbitral institutions fail to appoint an arbitrator in spite of request being made by the petitioner.

26.03.2026

Index: Yes/No
Neutral Citation: Yes/No
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SENTHILKUMAR RAMAMOORTHY, J.

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