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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **ARB.P. 168/2026**

TATA CAPITAL HOUSING FINANCE LTDPetitioner
Through: **Ms. Sandhya Chawla, Adv.**

versus

SUMANTA SARKAR & ANR.Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

% **ORDER**
18.03.2026

1. The present petition has been filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 [in short, 'Act'] seeking appointment of arbitration to adjudicate the disputes between the parties under the loan agreement dated 29.01.2017. The said agreement contains an arbitration clause 12.11, which provides for resolution of disputes by sole arbitrator.
2. The disputes having arisen between the parties, the petitioner invoked arbitration clause by giving a legal notice dated 25.02.2025, which did not elicit any response.
3. In this backdrop, the present application has been filed by the petitioner seeking appointment of an arbitrator.
4. Notice was issued by this Court to the respondent *vide* order dated 23.01.2026.
5. The service report of the Registry shows that the respondents have



been served through e-mail.

6. The affidavit of service has also been placed on record, which suggest that the respondents have been served through e-mail, as well as, through courier. Accordingly, the respondents are taken to have been served.

7. There is nonetheless no appearance on behalf of the respondents at the stage of proceeding under Section 11 of the Act.

8. The petition is, therefore, allowed.

9. Accordingly, the dispute between the parties is referred to arbitration of Mr. Shivam Sachdeva, Advocate [Mob. 9971358035, Email-office@sachdevas.in].

10. The arbitration will be held under the aegis of Delhi International Arbitration Centre, Delhi High Court, Sher Shah Road, New Delhi – 110003 [“DIAC”] and shall be governed by the Rules of DIAC including as to the remuneration of the learned Arbitrator.

11. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act prior to entering upon the reference.

12. It is made clear that all rights and contentions of the parties are left open for adjudication by the learned Arbitrator.

13. The petition stands disposed of.

VIKAS MAHAJAN, J

MARCH 18, 2026

N.S. ASWAL