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

\# **CNR No. DLHC010109142026**

\+ ARB.P. 480/2026 & I.A. 7528/2026

TATA CAPITAL HOUSING FINANCE LTD .....Petitioner

Through: Ms. Shobha Gupta, Ms. Akshita Mishra and Ms. Simranjeet Kaur, Advs. with Ms. Ayushi Singh, AR.

versus

JAVED & ANR. .....Respondents

Through: None.

CORAM:
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT(ORAL)

% 18.11.2026

1. The present petition has been filed under Section 11(5) of the Arbitration and Conciliation Act, 1996[1] seeking appointment of a Sole Arbitrator.

2. As per the affidavit of service filed dated 10.11.2026, newspaper publication has been duly made by the Petitioner as per Order V Rule 20 of the Code of Civil Procedure, 1908 upon the Respondent.

3. Despite the opportunity so granted, none appears on behalf of the Respondent. Respondent has also failed to file any reply to the present petition.

4. In view thereof and considering that the Respondent has chosen not to participate in the present proceedings, despite sufficient service, this Court finds no impediment in proceeding to consider the appointment of a Sole Arbitrator.

[1] "Act" hereinafter

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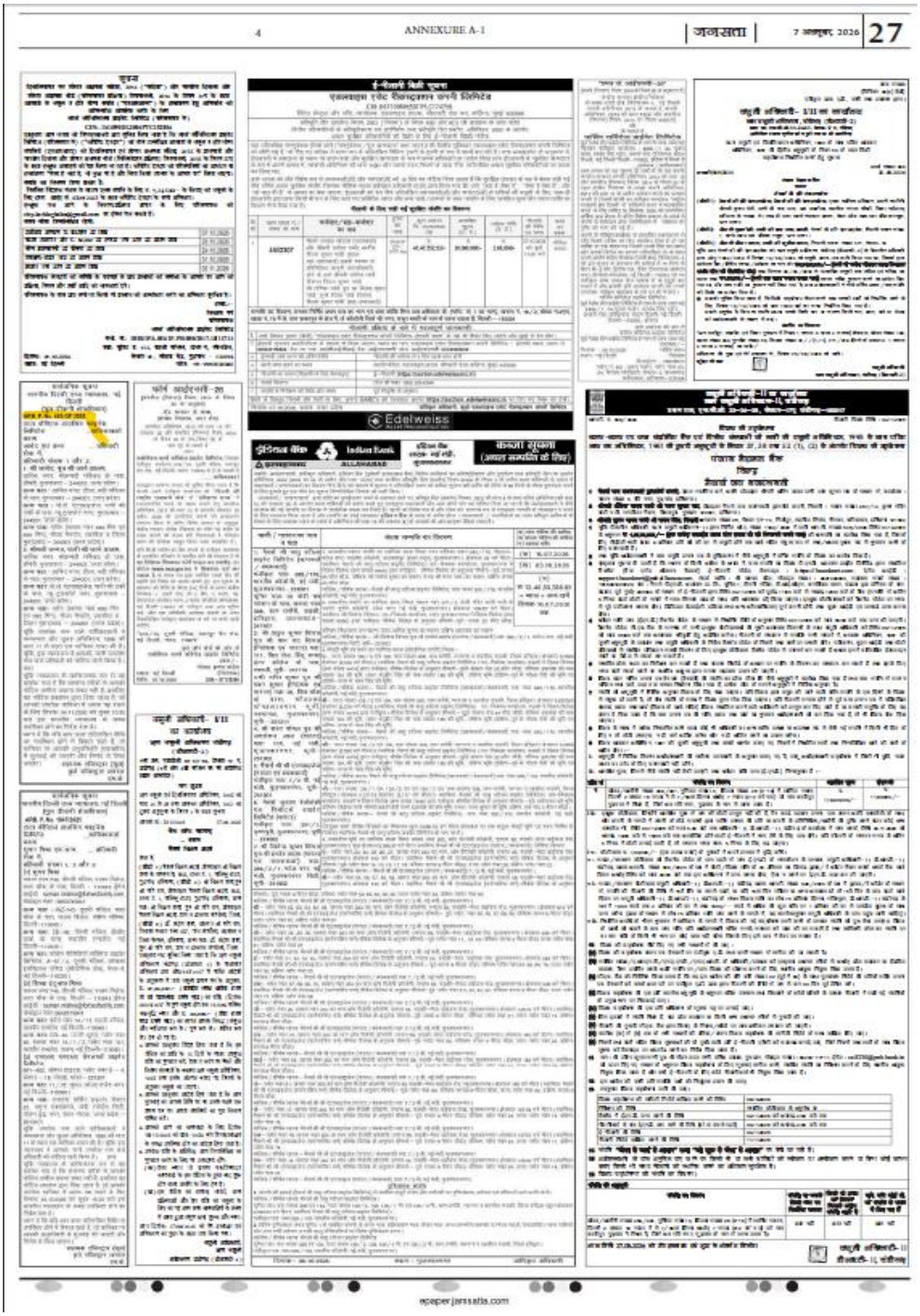
5. The newspaper publication and the affidavit of clarification placed on record establishes that the Respondent has been served. The proof of the same as published is as follows:


4 ANNEXURE A-1 | जनसत्ता | 7 अगस्त 2026 27

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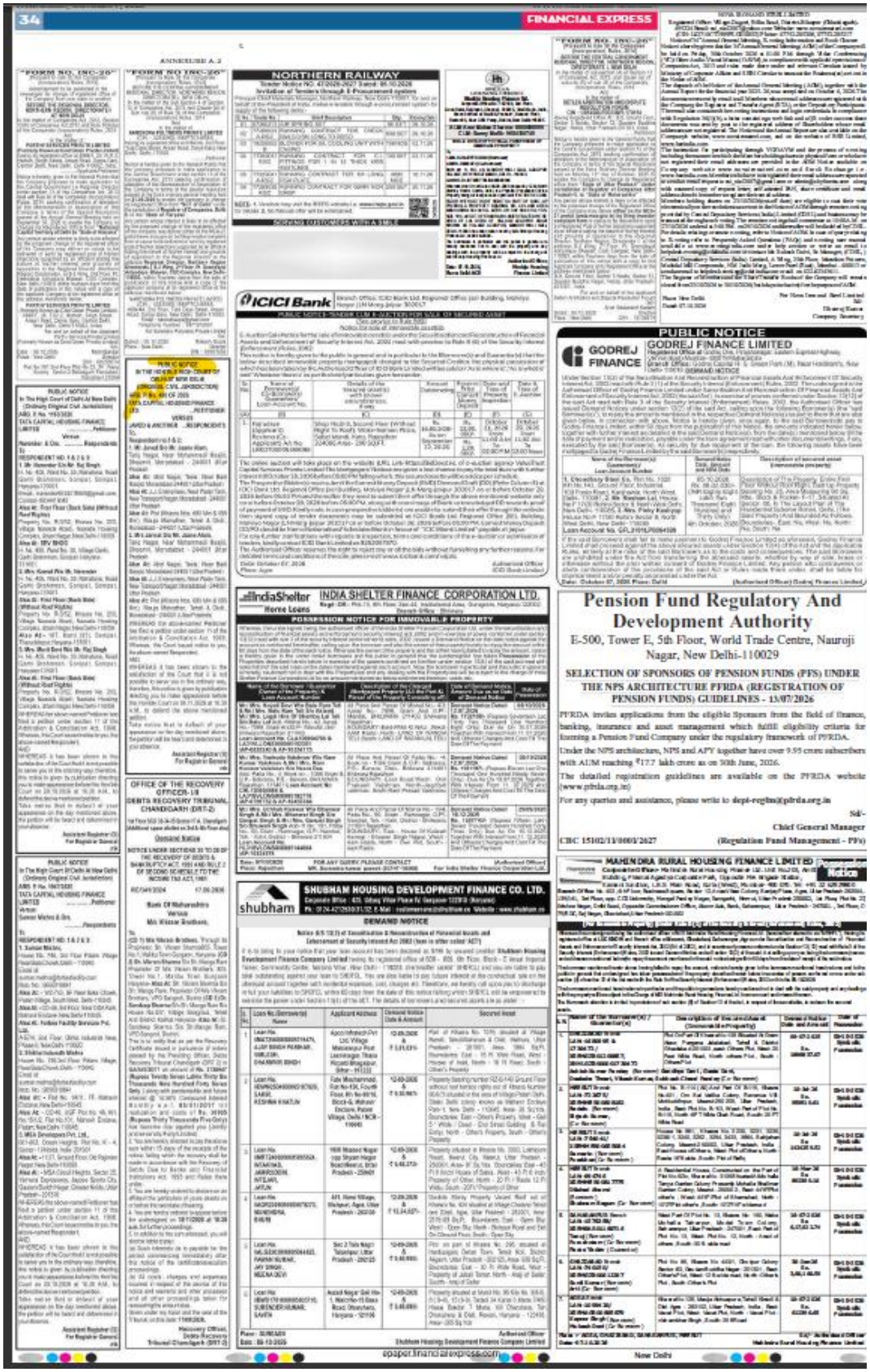

34 FINANCIAL EXPRESS

NORTHERN RAILWAY

ICICI Bank

PUBLIC NOTICE

GODREJ FINANCE LIMITED

Pension Fund Regulatory And Development Authority

E-500, Tower E, 5th Floor, World Trade Centre, Nauroji Nagar, New Delhi-110029

SELECTION OF SPONSORS OF PENSION FUNDS (PFS) UNDER THE NPS ARCHITECTURE PFRDA (REGISTRATION OF PENSION FUNDS) GUIDELINES - 13/07/2026

PFRDA invites applications from the eligible Sponsors from the field of finance, banking, insurance and asset management which fulfill eligibility criteria for forming a Pension Fund Company under the regulatory framework of PFRDA.

Under the NPS architecture, NPS and APY together have over 9.95 crore subscribers with AUM reaching ₹17.7 lakh crore as on 30th June, 2026.

The detailed registration guidelines are available on the PFRDA website (www.pfrda.org.in)

For any queries and assistance, please write to dept-regfm@pfrda.org.in

Sd/-

Chief General Manager

CBC 15102/11/0003/2627 (Regulation Fund Management - PFs)

SHUBHAM HOUSING DEVELOPMENT FINANCE CO. LTD.

DEMAND NOTICE

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3 The Indian EXPRESS

November 04, 2026

WHOMSOEVER IT MAY CONCERN

Dear Sir,

This is to confirm that the Delhi edition copies of Financial Express and Jansatta circulated in Moradabad area.
Hope the above is in order.

For any clarifications, please feel free to get in touch with the undersigned.

Thanks & Regards
Abhinav Gupta
Sr. Manager – Space Marketing
9910035901
Email: abhinav.gupta@expressindia.com

6. The Loan Agreement contains an arbitration clause under Clause 12, which is reproduced hereinbelow:

> *"12. Dispute Resolution*
> *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 to be held at the place as mentioned at Serial No.13 of Annexure 1 hereto in accordance with the Arbitration and Conciliation Act, 1996, or any statutory amendments thereto and shall be referred to a sole arbitrator to be appointed by the Lender. The award of the arbitrator shall be final and binding on all parties concerned. The arbitration proceedings shall be in English language. Cost of arbitration shall be borne by the Obligors.*
>
> *Notwithstanding anything contained hereinabove, the Lender reserves the right to, at its option, also enforce the security under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ("SARFAESI Act") or proceed to recover dues from the Obligors under the SARFAESI Act and/or the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 ("DRT Act").*"

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7. It is well settled that, while exercising jurisdiction under Section 11 of the Act, the scope of enquiry is confined to examining the *prima facie* existence of an arbitration agreement[2].

8. In the present case, this Court finds that a valid and binding agreement exists between the parties.

9. In the aforesaid circumstances, this Court finds no impediment in appointing a Sole Arbitrator.

10. Accordingly, Mr. Pallav Arora, Advocate (Mob. No.9873660827) is appointed as a learned Sole Arbitrator to adjudicate the disputes arisen between the parties. The learned Sole Arbitrator shall enter upon the reference within three weeks from today.

11. The learned Sole Arbitrator will proceed to the arbitration proceedings subject to furnishing requisite disclosures as required under Section 12(2) of the Act within three weeks of entering reference.

12. The arbitration shall be carried under the rules and aegis of Delhi International Arbitration Centre ("DIAC"). The learned Arbitrator shall be entitled to fees as per the Schedule of Fees maintained by the DIAC.

[2] **SBI General Insurance Co. Ltd. v. Krish Spinning 2024 SCC OnLine SC 1754**

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13. It shall be open to the parties to raise all pleas, including objection as to arbitrability and jurisdiction, before the learned Sole Arbitrator who shall decide the same in accordance with law.

14. It is clarified that the observations made herein are only for the purpose of deciding the present petition under Section 11 of the Act. The learned Sole Arbitrator shall adjudicate the disputes independently and on their own merits, uninfluenced by any observations contained in the present order.

15. The Registry is directed to send a receipt of this order to Mr. Pallav Arora, learned Arbitrator through all permissible modes including email.

16. Accordingly, the present petition is disposed of in the above terms. Pending application(s), if any, also stand disposed of.

OM PRAKASH SHUKLA, J

NOVEMBER 18, 2026/*gunn*

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