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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ARB.P. 599/2026

KOTAK MAHINDRA PRIME LIMITED

.....Petitioner

Through: Mr. Dheeraj Kumar Nag, Adv.

versus

RAHUL LOHIYA & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

04.05.2026

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1. The present petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter, 'the Act') seeking appointment of an Arbitrator to adjudicate the dispute between the parties arising out of a Loan Agreement dated 30.04.2024. The Agreement provides for resolution of disputes by Arbitration. Clause 33 of the agreement is an arbitration clause.
2. The disputes having arisen between the parties, the petitioner invoked the arbitration by giving a notice dated 29.12.2025, in terms of Section 21 of the Act, which did not elicit any response. Thus, the petitioner was constrained to file the present petition under Section 11 of the Act.
3. Notice in the present petition was issued *vide* order dated 07.04.2026.
4. The affidavit of service has been filed along with the tracking report by the petitioner which shows that the respondents have been served with the notice sent by way of Speed Post. Accordingly, the respondents are taken to have been served. They are nonetheless unrepresented.



5. At the stage of proceedings under Section 11 of the Act, the Court is only required to satisfy itself, *prima facie*, as to the existence of the arbitration agreement all other questions have to be left to the determination to the learned Arbitrator.
6. A perusal of Loan Agreement dated 30.04.2024, *prima facie*, demonstrates that it contains arbitration clause.
7. Accordingly, the petition is allowed, and the dispute between the parties is referred to arbitration of Mr. Santosh Kumar, Advocate: [Mob.: 9310747175] Email ID: santoshkrs01@gmail.com.
8. 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.
9. The learned Arbitrator is requested to furnish a declaration under Section 12 of the Act prior to entering upon the reference.
10. It is made clear that all rights and contentions of the parties are left open for adjudication by the learned Arbitrator.
11. The petition stands disposed of.

MAY 4, 2026/dss

VIKAS MAHAJAN, J