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

\# **CNR No. DLHC010161372026**

\+ ARB.P. 679/2026

M/S TATA CAPITAL LTD .....Petitioner
Through: Mr. Sunil Sehrawat, Advocate.

versus

BHOLE ENTERPRISES AND ORS. .....Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 27.10.2026

I.A. 10447/2026 (*Exemption*)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

ARB.P. 679/2026

1. By way of the present petition under Section 11 of the Arbitration and Conciliation Act, 1996 ["the Act"], the petitioner seeks the appointment of an arbitrator to adjudicate the disputes arising between the parties out of the Loan Agreement dated 12.12.2024.

2. Respondent No. 1 is a proprietorship concern, of which respondent No. 2 is the proprietor, while respondent No. 3 is a co-borrower under the aforesaid Loan Agreement. Clause 9 of the Loan Agreement provides for resolution of disputes between the parties through arbitration, while Clause 10 confers jurisdiction upon the courts at Delhi. In terms of the

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arbitration clause, the petitioner invoked arbitration *vide* notice dated 11.02.2026. However, the respondents have not responded to the said notice.

3. Notice was issued in the present petition on 23.04.2026, followed by fresh notices on 22.05.2026 and 10.08.2026. As per the affidavit of service filed by the petitioner, notice was also served upon the respondents by email through learned counsel. However, service through Speed Post was unsuccessful in the case of respondent No. 1, with the postal endorsement stating "*left without instructions*", whereas the postal articles addressed to respondent Nos. 2 and 3 were returned with the endorsement "*refused*". In view of the aforesaid postal endorsements *qua* respondent No. 2 [who is also the sole proprietor of respondent No. 1] and respondent No. 3, and the service effected by email, service upon all three respondents is deemed to be complete.

4. The existence of the arbitration clause and its invocation by the petitioner are *prima facie* established from the material placed on record. Despite service, none of the respondents has entered appearance to controvert the same.

5. In view of the aforesaid, the petition is disposed of with the following directions:

a) The disputes between the parties arising out of the Loan Agreement dated 12.12.2024 are referred to arbitration.

b) The arbitration shall be conducted under the aegis of the Delhi International Arbitration Centre ["DIAC"] and in accordance with its Rules. DIAC is requested to nominate an arbitrator from its panel.

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c) The arbitration proceedings shall be governed by the Rules of DIAC, including those relating to the remuneration of the learned Arbitrator.

d) The learned Arbitrator is requested to furnish a declaration in terms of Section 12 of the Act before entering upon the reference.

6. Needless to state, this Court has not expressed any opinion on the merits of the disputes between the parties. All rights and contentions of the parties, including those concerning the arbitrability and maintainability of the claims, as well as the merits thereof, are left open for consideration by the learned Arbitrator.

7. The petitioner shall serve the respondents with notice of the arbitral proceedings in accordance with the applicable Rules of DIAC, in view of their non-appearance in the present proceedings.

8. The petition, alongwith the pending applications, stands disposed of in the aforesaid terms.

PRATEEK JALAN, J

OCTOBER 27, 2026
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