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

\# **CNR No. DLHC010173152026**

\+ ARB.P. 727/2026 & I.A. 11098/2026

M/S TATA CAPITAL LTD .....Petitioner

Through: Mr. Sunil Sehrawat, Advocate.

versus

JAJMAU CHEMICAL AND ALLIED IND AND ORS .....Respondent

Through: Mr. Saim Idris, Partner of R1-Firm, in person (through VC).

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 27.10.2026

1. By way of this petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 [hereinafter, "the Act"], the petitioner seeks appointment of an Arbitrator to adjudicate disputes between the parties under an Agreement for Business Loan dated 04.09.2024 [hereinafter, "the Agreement"].

2. The petitioner was the lender under the Agreement and respondent No. 1 – Firm was named as the borrower, while respondent Nos. 2 and 3 were named as co-borrowers.

3. The Agreement contains an arbitration clause [Clause 9], which provides for adjudication of disputes by a Sole Arbitrator, to be appointed by certain named Arbitral Institutions and subject to various conditions.

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The Agreement also provides for exclusive jurisdiction in the place mentioned in Annexure 1 to the Agreement. In the copy of the Agreement placed on record, Delhi has been ticked as the place of arbitration and jurisdiction, out of four options of Delhi / Kolkata / Chennai / Kochi.

4. Disputes having arisen between the parties, the petitioner invoked arbitration *vide* letter dated 11.02.2026. It called upon the respondents to suggest the Arbitral Institution, which should conduct the arbitral proceeding. In the absence of any response, the petitioner has approached this Court.

5. Notice was issued in the petition on 23.04.2026. By order dated 22.05.2026, it was recorded that respondent Nos. 2 and 3 have been served. Although respondent No. 1 was not served at that time, on 24.09.2026, Mr. Saim Idris informed the Court that he is one of the partners of respondent No. 1, and that a joint reply has been filed on behalf of all three respondents. Mr. Idris is present on video conference today also, and states that the reply, although filed, has not been brought on record due to certain objections raised by the Registry today. A copy of the reply is available with Mr. Sunil Sehrawat, learned counsel for the petitioner. Mr. Sehrawat has handed up a copy of the reply in Court, which is taken on record.

6. It is evident therefrom that the reply has been filed on behalf of all three respondents and is accompanied by affidavits of respondent Nos. 2 and 3, in addition to the affidavit of Mr. Saim Idris, as a partner of respondent No. 1. I am informed that respondent Nos. 2 and 3 are the father and brother of Mr. Saim Idris, and are also partners in the respondent No. 1 – Firm. A document dated 08.09.2026 entitled

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'*Authority Letter*' is also part of the reply, in which respondent Nos. 2 and 3 have authroised Mr. Saim Idris to represent respondent No. 1.

7. Respondent No. 1 is thus duly represented by one of its partners, and respondent Nos. 2 and 3 in their individual capacities have chosen not to enter appearance despite service, although a joint reply has been filed on behalf of all three respondents. I, therefore, do not consider it necessary to await their appearance any further.

8. The existence of the arbitration clause in the Agreement is not disputed, and the invocation letter dated 11.02.2026 has also not been controverted on record. The only point urged by Mr. Saim Idris concerns the jurisdiction of this Court. He states that the respondents are all based in Kanpur, and that in the Agreement handed over to the petitioner, Delhi was not chosen as the place of arbitration or jurisdiction. Nevertheless, out of the four provided options of Delhi / Kolkata / Chennai / Kochi, which were admittedly available in the Agreement, Mr. Idris states that Delhi is the most convenient seat of arbitration for the respondents also.

9. It may be noted that the arbitration clause itself provides the procedure of arbitration which does not include any oral hearings, and in any event, refers to all proceedings being conducted virtually, unless in exceptional circumstances, in-person or oral hearings are required. The question of convenience of the parties for physical appearance, if required, is, therefore, left for the Sole Arbitrator.

10. The existence of the arbitration clause and invocation of arbitration being undisputed, the petition is allowed with the following directions:

a. Ms. Aditi Mohan, Advocate [Tel: 98718-99882], is appointed as the Sole Arbitrator to adjudicate the disputes between the parties

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arising out of the Agreement dated 04.09.2024.

b. The arbitration will be held under the aegis of the Delhi International Arbitration Centre [“DIAC”], and will be governed by the Rules of DIAC, including as to the remuneration of the learned Arbitrator.

c. The learned Arbitrator is requested to furnish the requisite declaration under Section 12 of the Act, prior to entering upon the reference.

11. The petition, alongwith pending application, is disposed of in terms of the aforesaid.

12. Needless to say, all rights and contentions of the parties, including as to the arbitrability and maintainability of the claims and on merits, are left open for adjudication by the learned Arbitrator.

PRATEEK JALAN, J

OCTOBER 27, 2026
tg/KA/

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