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

\+ ARB.P. 1949/2025

M/S GAMBIT LEASING AND FINANCE PVT LTD .....Petitioner

Through: Mr. Vikas Deep, Adv.

versus

FEDBANK FINANCIAL SERVICE LTD .....Respondent

Through: Ms. Taniya Bansal, Adv.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

O R D E R

% **14.05.2026**

1. The present Petition, filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 [**"Act"**], seeks appointment of an Arbitrator and reference of the disputes as stated to have arisen to arbitration, in view of the Order dated 29.07.2025 passed by the learned Debts Recovery Tribunal ["**DRT**"].

2. Learned counsel for the Respondent, at the outset, raises a preliminary objection to the maintainability of the present Petition.

3. Learned counsel submits that under Section 11 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 **["SARFAESI Act"]** only the disputes as between any of the parties *namely*, banks, financial institutions, asset reconstruction companies or qualified buyers can be referred to arbitration.

4. Learned counsel submits that, in the present case, though the Petitioner may be a financial institution, it does not qualify as a financial institution for the purposes of the SARFAESI Act and,

therefore, would not be entitled to the benefit of Section 11 of the SARFAESI Act.

5. In this regard, on a pointed question of this Court, the learned counsel for the Petitioner fairly admits that the Petitioner is not registered as a financial institution within the meaning and ambit of the SARFAESI Act.

6. Learned counsel for the Petitioner further submits that since the learned DRT had passed an Order dated 29.07.2025, whereby it was held that the Petitioner would be entitled to arbitrate the disputes between the Petitioner and the Respondent, he was constrained to file the present Petition.

7. This Court has heard learned counsel for the parties on the issue as to whether the Petitioner would qualify as a financial institution within the meaning of the SARFAESI Act.

8. This Court is of the considered view that since the Petitioner, as rightly contended by the learned counsel for the Respondent, and as admit by the learned counsel for the Petitioner, does not qualify as a financial institution for the purposes of the SARFAESI Act, for the the present Petition to be maintainable.

9. In view thereof, the present Petition is dismissed on the ground of non-maintainability.

10. Needless to state that the Petitioner shall be at liberty to seek such other appropriate remedies as may be available under law.

11. Accordingly, the present Petition is disposed of in aforementioned terms.

HARISH VAIDYANATHAN SHANKAR, J.

MAY 14, 2026/ v/DJ