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

\# **CNR No. DLHC010381552026**

\+ ARB.P. 1458/2026

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

Through: Mr. Sunil Sehrawat, Adv.

versus

SANWAR LAL AND ANR .....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT(ORAL)

% 03.11.2026

1. The present petition has been filed under Section 11(5) and 11(6) of the Arbitration and Conciliation Act, 1996[1] seeking appointment of an Arbitrator.

2. On the last date of hearing, notice was issued to the Respondents and the Respondents were asked to file reply to the present petition. However, the same has not been filed.

3. On a perusal of the affidavit of service, it appears that the notice has been duly served on the Respondents.

4. Despite the opportunity so granted, none appears on behalf of the Respondents. Respondents have also failed to file any reply to the present petition.

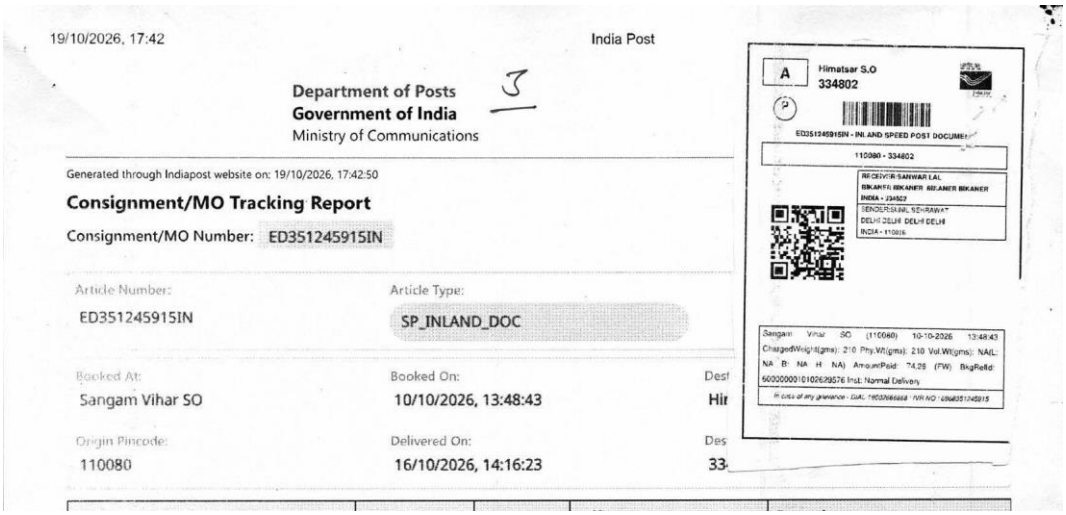
5. In view thereof and considering that the Respondents have chosen not to participate in the present proceedings, despite sufficient

[1] "Act" hereinafter

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service, this Court finds no impediment in proceeding to consider the appointment of a Sole Arbitrator.

6. The tracking details placed on record establishes that the Respondents have been duly served. The proof of service as reflected from the tracking details is as follows:-



19/10/2026, 17:42 India Post

Department of Posts
Government of India
Ministry of Communications

Generated through Indiapost website on: 19/10/2026, 17:42:50

Consignment/MO Tracking Report

Consignment/MO Number: ED351245915IN

Article Number:	Article Type:
ED351245915IN	SP_INLAND_DOC

Booked At:	Booked On:	Dest
Sangam Vihar SO	10/10/2026, 13:48:43	Hir

Origin Pincode:	Delivered On:	Des
110080	16/10/2026, 14:16:23	33

A Himatsar S.O 334802

ED351245915IN - INLAND SPEED POST DOCUME

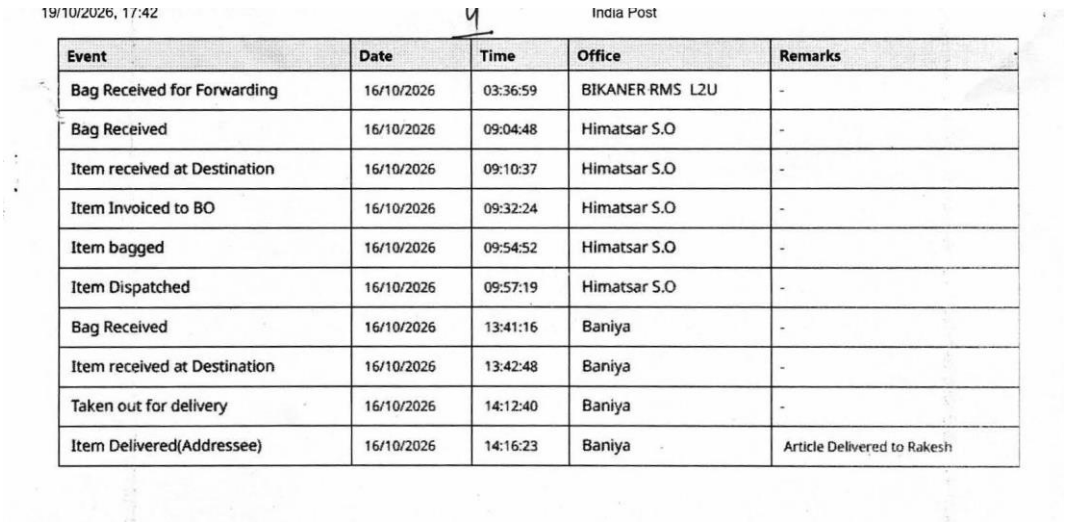
110080 - 334802

RECEIVER:SANWAR LAL
BIKANER BIKANER BIKANER BIKANER
INDIA - 334802

SENDER:SUNIL SEHRAWAT
DELHI DELHI DELHI DELHI
INDIA - 110080

Sangam Vihar SO (110080) 10-10-2026 13:48:43
ChargedWeight(gms): 210 Phy.Wt(gms): 210 Vol.Wt(gms): NA(L: NA B: NA H: NA) Amount Paid: 74.25 (FW) BkgRefId: 600000001010269576 Inst: Normal Delivery

In case of any grievance - DAK 16030566668 / IVR NO : 09482124915



19/10/2026, 17:42 India Post

Event	Date	Time	Office	Remarks
Bag Received for Forwarding	16/10/2026	03:36:59	BIKANER RMS L2U	-
Bag Received	16/10/2026	09:04:48	Himatsar S.O	-
Item received at Destination	16/10/2026	09:10:37	Himatsar S.O	-
Item Invoiced to BO	16/10/2026	09:32:24	Himatsar S.O	-
Item bagged	16/10/2026	09:54:52	Himatsar S.O	-
Item Dispatched	16/10/2026	09:57:19	Himatsar S.O	-
Bag Received	16/10/2026	13:41:16	Baniya	-
Item received at Destination	16/10/2026	13:42:48	Baniya	-
Taken out for delivery	16/10/2026	14:12:40	Baniya	-
Item Delivered(Addressee)	16/10/2026	14:16:23	Baniya	Article Delivered to Rakesh

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7. The Petitioner claims an amount approximately Rs.11.18 lacs

8. 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.

9. In the present case, this Court is of the view that a valid and binding agreement exists between the parties.

10. In the aforesaid circumstances, this Court finds no impediment in appointing a Sole Arbitrator to adjudicate the disputes between the parties.

11. Accordingly, Ms. Riddhi Jad, Advocate, (Mob. No.8447276840) 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 two weeks from today.

12. 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 two weeks of entering reference.

13. 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.

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14. 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.

15. 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.

16. The Registry is directed to send a receipt of this order to Ms. Riddhi Jad, learned Arbitrator through all permissible modes including email.

17. Accordingly, the present petition is disposed of in the above terms.

OM PRAKASH SHUKLA, J

NOVEMBER 3, 2026/at

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