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

\# **CNR No. DLHC010384222026**

\+ ARB.P. 1467/2026 & I.A. 22404/2026

TATA CAPITAL HOUSING FINANCE LIMITED

.....Petitioner

Through: Ms. Shobha Gupta, Mr. Akshitan Mishra, Ms. Simranjeet Kaur, Ms. Manasvi Negi, Advs. with Ayushi Arora AR.

versus

VISHAL SINGH & ORS. .....Respondents

Through: None.

CORAM:
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT(ORAL)

% 03.11.2026

1. The present petition is filed seeking appointment of an Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996[1] for resolution of disputes arising out of the home loan of Rs. 1,14,00,000/- sanctioned *vide* Sanction Letter dated 13 31.10.2018 in favour of the Respondents.

2. On 19.08.2026, notice was issued to the Respondents by this Court and the Respondents were asked to file a reply to the present petition.

3. A perusal of the affidavit of service filed by the Petitioner

[1] "the Act" hereinafter

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indicates that notice has been duly served upon each of the Respondents at atleast one of the addresses mentioned in the memo of parties. Despite sufficient service, none appears on behalf of the Respondents.

4. In view thereof and considering that the Respondents have chosen not to participate in the present proceedings, this Court is constrained to proceed *ex-parte*.

5. 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.

6. In the present case, Clause 13 of the Loan Agreement provides a valid and binding arbitration agreement between the parties.

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

8. 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.

9. The learned Sole Arbitrator will proceed to the arbitration proceedings subject to furnishing requisite disclosures as required

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under Section 12(2) of the Act within two weeks of entering reference.

10. 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.

11. 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.

12. 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.

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

14. The present petition is disposed of in the above terms.

OM PRAKASH SHUKLA, J

NOVEMBER 3, 2026/at

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