

OMP(I) (Comm) 73/2026
TATA CAPITAL LTD. VS. KULDIP SINGH

09.01.2026

Fresh execution petition under section 9 Arbitration & Conciliation Act, 1996 has been received by way e-filing. It be checked and registered.

Present: Sh. Rajesh Kumar, Ld. Counsel for petitioner.

1. Petitioner TATA CAPITAL Ltd. has made the petition under section 9 of the Arbitration and Conciliation Act, 1996 (Act 26 of 1996) for appointment of receiver with direction to take custody of vehicle chassis/body make **TOYOTA FORTUNER 2.8 4x2 MT**, bearing registration no. **PB10-EF2750**, Engine No. **IKDU322079**, Chassis No. **MBJ11JV6104016225**.
2. Along with the petition another application under section 9 of Act 26 of 1996 has also been received for passing ex-parte ad-interim order for appointment of receiver.
3. I have heard counsel for the petitioner on the application for ex-parte ad-interim order for appointment of receiver.
4. It is submitted by counsel for the petitioner that the respondent took a loan of **Rs. 6,90,090/- on 30.04.2024** for purchase of vehicle and he committed default in repayment. It is further submitted by counsel for the petitioner that out of 48 installments, the respondent had paid only 2 installments and committed default of 17 installments due to which the loan was recalled by issuing a legal notice dated 19.09.2024. It is further submitted by counsel for the petitioner that as per the agreement

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dated 30.04.2024 entered into between the parties, the respondent is under obligation to surrender the vehicle in case of non-payment but he failed to do so. It is further submitted by counsel for the petitioner that there are chances of concealment of the vehicle or its unauthorized disposal by the respondent. It is further submitted by counsel for the petitioner that for better co-ordination and immediate and quick action **Mr. Jagdeep Singh**, the representative of the petitioner may be appointed as a receiver.

5. I have given thoughtful consideration to submissions made on behalf of the petitioner.

6. The petitioner has placed on record loan account statement to show default committed by the respondent in payment of the installments. The vehicle chassis/body make **TOYOTA FORTUNER 2.8 4x2 MT**, bearing registration no. **PB10-EF2750**, Engine No. **IKDU322079**, Chassis No. **MBJ11JV6104016225** has been purchased by the respondent from the loan amount and later on hypothecated to the petitioner.

7. As per the agreement entered into between the parties, they agreed to resolve their dispute by arbitration with seat of such arbitration in Delhi.

8. Keeping in view the default committed by the respondent in making payment of installments and apprehension of the petitioner that respondent may conceal or dispose off the vehicle in question this court deems it appropriate to appoint a receiver

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for taking possession of the vehicle in question. Accordingly, application under section 9 of the Arbitration and Conciliation Act, 1996 is allowed and petitioner is permitted to take into possession the vehicle chassis/body make **TOYOTA FORTUNER 2.8 4x2 MT**, bearing registration no. **PB10-EF2750**, Engine No. **IKDU322079**, Chassis No. **MBJ11JV6104016225** from the respondent and **Mr. Jagdeep Singh**, Representative of the petitioner, is authorized to seize the above mentioned vehicle and take its custody. He is permitted to take the help of the police if required. However, he shall also comply with following terms and conditions:

- I. The vehicle shall be seized in between 8:00 a.m. to 8:00 p.m. only.
- II. It shall not be seized when is moving on the road.
- III. The receiver shall seize the vehicle personally and shall not delegate this power to anyone.
- IV. The respondent/ occupant of the vehicle shall be permitted to remove their belongings from the vehicle in question at the time of seizure.
- V. At the time of seizure of the vehicle, the signature of an independent person of the locality or nearby area or police official shall be obtained on the possession report.
- VI. The copy of the possession report shall be given to the respondents/occupant of the vehicle at the spot itself. The date and time of seizure of the vehicle must be clearly mentioned in

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the report.

VII. The detailed condition of the vehicle as well as its accessories shall be noted in the possession report and photographs of the vehicle shall be also taken at the time of seizure.

VIII. The vehicle shall not be disposed off or sold without prior permission of the court and shall be kept in safe custody.

IX. The receiver shall be under the control of the court and is required to file the report within three days of the seizure of the vehicle.

X. If the vehicle is not traced out or could not be seized due to any reason, then report giving reasons shall be filed in this regard on the next date of hearing.

9. The receiver shall be personally liable in case of violation of any of the above conditions.

10. Since, at the specific request of the petitioner, its officer is appointed as receiver, so an obligation is also put upon the petitioner to ensure that the receiver must comply with above terms and conditions otherwise the appointment order shall be cancelled or shall not be extended or the seized vehicle can be ordered to be returned to the respondents unconditionally without any payment.

11. It is also made clear to the petitioner that this is an interim measure and the order of appointment of receiver shall remain in force only till next date of hearing unless extended.

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12. If the vehicle is not seized by the next date the order may not be extended further. So, the receiver must take sincere efforts for tracing out and seizing of the vehicle.

13. It is submitted by counsel for the petitioner that the arbitration proceedings have not been initiated by the petitioner so far, so, petitioner is required to invoke the arbitration proceedings within one month from today.

14. On filing PF and postal expenses etc. within seven days by the petitioner issue notice against the respondent to be served through ordinary process as well as **speed post with registration and proof of delivery**, returnable on **24.02.2026**, with directions to file reply within statutory period as per law with advance copy to be supplied to the petitioner.

15. Copy of this order be given dasti to the AR/counsel for the petitioner for handing over the same to the receiver.

(R.L. Meena)
District Judge (Commercial Court-06)
Tis Hazari Courts, Delhi
09.01.2026_(v)