

ARBTN No.1235/2026

BAJAJ AUTO CREDIT LTD. VS. NEKPAL BRAHMA

02.07.2026

Present: Ms. Jyoti Sharma, counsel for the petitioner.

Fresh Arbitration Petition received. Be checked and registered.

Ld. counsel for the petitioner has relied upon para no. 14 of the judgment dated 04.03.2014 bearing OMP no. 150/2014 ION Exchange (India) Ltd. Vs. Panasonic Electric Works Co. Ltd. decided by the Hon'ble High Court of Delhi, wherein, Hon'ble High Court of Delhi has held as under:-

“14. In these circumstances, we find ourselves unable to agree with the view of the learned single Judge expressed in his order dated 04.02.2014. We agree with the view taken in Sai Consulting(supra) and hold that the Courts at the seat or place of arbitration would have territorial jurisdiction to entertain an application under the said Act subject to the provisions of Section 42 thereof, irrespective of the fact that the cause of action arose elsewhere and/ or the respondent resides elsewhere.”

Counsel for the petitioner has pointed out, as per the arbitration Clause / agreement mentioned in Clause No.20 arbitration proceedings were to be conducted at Delhi and as such, Delhi court has the jurisdiction. It is averred by the petitioner that arbitration proceedings will be initiated at the office of learned sole arbitrator in his office at Rohini, Delhi which falls within jurisdiction of this court and hence this court has jurisdiction to entertain the petition.

Issue notice of the present petition to the respondent through all permissible modes on filing of PF/RC by the petitioner for 01.08.2026. In case, PF/RC was not filed within one week, then, interim orders shall stand vacated.

Ld. counsel for the petitioner has pressed for immediate orders u/s 9 of the Arbitration & Conciliation Act, 1996 for appointment of the receiver in respect of the vehicle of the respondent which has been financed by the petitioner company.

As per the claim of the petitioner, the **vehicle i.e. MAXIMA Z BI CNG BS6 bearing registration No.UP-36AT-5737, Chassis NO.MD2B17AX2RWJ49685, Engine No.AZXWRJ87224** was financed by the petitioner for an amount of **Rs.2,75,000/-** in favour of the respondent vide loan cum hypothecation agreement dated **21.01.2025**. The petitioner has further stated that the amount was to be repaid by the respondent to the petitioner by way of Equated Monthly Installments (EMI) of **Rs.9,563/-**. It has been further stated the has failed to pay **06 EMIs out of 48 EMIs**. It has been further stated that the respondent is liable to pay a sum of **Rs.2,99,033/-** to the petitioner towards foreclosure amount till date.

Keeping in view the abovesaid submissions, I am of the opinion that the delay in grant of the interim relief may defeat the very purpose of filing the present

petition and the application under disposal. As such, I am of the opinion that the petitioner has been able to make a prima facie case for grant of ad-interim ex-parte relief. Accordingly, the following directions are hereby passed:-

1. **SHUBHAM CHAUBEY, the authorized representative of the petitioner is appointed as the receiver** in this case to take into his custody the **vehicle i.e. MAXIMA Z BI CNG BS6 bearing registration No.UP-36AT-5737, Chassis NO.MD2B17AX2RWJ49685, Engine No.AZXWRJ87224** from the respondent, his agents or any other person found possessing the vehicle.
2. The receiver shall take over the possession of the vehicle from the respondent at the address/addresses given in the loan application or from the place, wherever the same is found as per the provisions of law.
3. The receiver shall be at liberty to take the assistance of the local Police, if required, for taking over possession of the vehicle and the concerned SHO shall provide assistance to the receiver as and when requested.
4. At the time of taking the custody of the vehicle, the receiver shall take the photographs of the vehicle from different angles, the receiver shall prepare an inventory of the articles lying in the vehicle, the receiver shall deliver a copy of this petition and a copy of the orders passed as on date to the person from whom the possession is taken together with the inventory of articles, if any.
5. The receiver shall keep the vehicle in safe custody, after taking possession thereof and the receiver shall not sell off the vehicle without the permission of the arbitrator. If the respondent, makes the payment of the outstanding defaulted dues, as on the date of possession, then, the receiver shall release the vehicle in question to the respondent.
6. The receiver shall submit his report before the court/ the arbitrator within a period of ten days from the date of repossessing the vehicle along with the photographs and the inventory mentioned above.
7. The respondent/ his representative from whose possession the vehicle is seized shall be at liberty to move an appropriate application before this court or before the arbitrator, if appointed, in case the respondent is aggrieved with the seizure of the vehicle.

8. If the respondent is not in a position to clear the entire outstanding installments, the receiver shall give him another opportunity to pay the outstanding installments within 30 days of taking over the possession of the vehicle and in case the respondent makes the payment of the outstanding installments within the said period, the receiver shall release the vehicle to the respondent subject to an undertaking as aforementioned.
9. The petitioner shall refer the dispute to arbitration in terms of the loan agreement, if not already referred for appointment of the arbitrator within a period of four weeks from today and inform the court in writing about the same.
10. At the time of taking the custody of the vehicle, the receiver shall deliver a copy of this petition and this orders to the person from whom the possession is taken. An affidavit be sworn to by the petitioner and be placed before the court within two weeks of taking possession of vehicle that the person who received the copy of the petition at the time of taking possession of vehicle was authorized to do so and that it was not given to some third party who was not responsible or who was not authorized to acknowledge any court notice on behalf of the Respondent.
11. That the Receiver shall not take the possession of the aforesaid vehicle, if the vehicle is on road and is occupied by any physically or mentally challenged person, ill or infirm person, senior citizen or a woman unaccompanied by any man. In such cases, the Receiver shall repossess the aforesaid vehicle from the house of the Respondent or house of such occupier or any such other place wherever vehicles is found to be stationed.
12. At the time of taking the custody of the vehicle, the receiver shall deliver a copy of this petition and this orders to the person from whom the possession is taken. An affidavit be sworn to by the petitioner and be placed before the court within two weeks of taking possession of vehicle that the person who received the copy of the petition at the time of taking possession of vehicle was authorized to do so and that it was not given to some third party who was not responsible or who was not authorized to acknowledge any court notice on

behalf of the Respondent.

13. The Receiver shall inform the respondent the option of resolving the dispute amicably by settlement before the Mediation Centre, Rohini Courts, Delhi and will also give a copy of this order to the respondent at the time of repossessing the vehicle.
14. Now to come up for filing on record the report by the receiver and for service of the respondent on the next date of hearing i.e. on **01.08.2026**.
15. A copy of this order be given dasti to the counsel for the petitioner, as prayed for, after filing of PF/RC.

(Vikram Bali)
DJ-02/ North/Rohini Court
Delhi/02.07.2026