

**IN THE COURT OF MR. ANIL KUMAR SISODIA:
DISTRICT JUDGE (COMMERCIAL COURT)-04,
CENTRAL DIST. DELHI**

OMP(I)(COMM) No. 33/2026

TATA CAPITAL LTD

Having its office at:-
9^h floor, Videocon Tower, Block 7E,
Jhandewalan Extension,
New Delhi-110055

...PETITIONER

VS.

NIRMLA (BORROWER)

187A Swami Mohalla,
Shahabad, Mohammad Pur,
Near Primary School, Delhi-110061

...RESPONDENT

ORDER

1) Vide this order I shall dispose of a petition u/s 9 of Arbitration and Conciliation Act for appointment of receiver to take possession of the vehicle i.e. “**VERNA** bearing registration no. **DL1CAD3636** having Engine no. **G4FLLV048251** and Chassis No. **MALC841GLLM232341**”.

2) Petitioner bank seeks appointment of receiver to take possession of vehicle/make/model i.e. “**VERNA** bearing registration no. **DL1CAD3636** having Engine no. **G4FLLV048251** and Chassis No. **MALC841GLLM232341**” from respondent which was subject of loan advanced to respondent vide loan agreement no. **TCFUC0386000011963579**

dated **28.03.2023** and hypothecated with petitioner. Agreement entitled the petitioner to repossess vehicle in the event of default in repayment of loan. It was submitted that the petitioner has defaulted in the payment of **03 EMIs** at the time of filing of petition and the petitioner recalled the loan facility vide notice dated **07.11.2024**.

3) Notice of petition u/s 9 of Arbitration and Conciliation Act issued to the respondent. Respondent has been served with notice through speed post on 20.01.2026. No one has appeared on behalf of the respondent despite repeated calls. Accordingly, the respondent was proceeded exparte.

4) I have heard Ld. counsel for the petitioner and have perused the record carefully.

5) Petitioner bank thus has filed a case for interim measure under section 9 of Arbitration and Conciliation Act. In given facts of case I deem it appropriate to appoint **Mr. Chandra Shekhar Singh** as receiver in the matter. Receiver is directed to take possession of vehicle “**VERNA** bearing registration no. **DL1CAD3636** having Engine no. **G4FLLV048251** and Chassis No. **MALC841GLLM232341**” from respondent, his agents or any other person found to be in possession of said vehicle at address (es) given in loan application or wherever vehicle is found. However, a running vehicle shall not be stopped and driver of such vehicle shall not be taken out forcibly.

6) Possession shall not be taken if vehicle is occupied by a woman who is not accompanied by a male member or an elderly, infirm or physical / mentally challenged person. In such cases, vehicle shall be repossessed from borrower's residence.

7) Receiver shall also ensure that repossession of vehicle does not result in any breach of peace. In event of any breach of peace by person occupying vehicle, receiver shall not proceed without assistance of police. Photographs of vehicle from all angles (including inside) shall be taken at the time of repossession be taken. Receiver will also keep in mind time and place where subject vehicle is taken possession of. If, at the time of taking possession, respondent pays the amount which is due and payable then, receiver, will issue a receipt in that behalf to respondent and release vehicle on superdari to him subject to an undertaking by him to receiver for regular repayment of future monthly installments till expiry of tenure and a declaration that borrower shall not part with vehicle or create third party interest in respect of vehicle until entire amount is paid. Receiver shall also take photograph of speedometer clearly displaying the kilometers covered by the vehicle The receiver may seek police assistance from SHO of nearest police station, if required. The receiver shall get survey of vehicle done from a government approved surveyor regarding its condition and value within 24 hours of taking possession.

8) Receiver shall prepare a report regarding condition of vehicle, an inventory of articles/accessories found in vehicle and file his report before Arbitrator/court within 10 days of taking custody of vehicle.

9) Arbitral proceedings shall commence within a period of 90 days from the date of this order in terms of Section 9 (2) of the Arbitration and Conciliation Act, 1996.

10) Fee of the receiver shall be borne by petitioner. Receiver shall deliver a copy of this order and inventory to person from whom possession is taken. Receiver shall be duty bound to keep vehicle in safe custody and maintain it in same condition till appropriate order in that regard is passed by Arbitrator. vehicle in question shall be dealt in terms of order/directions to be passed by Arbitrator.

11) The petition is disposed off in above terms. Order shall remain effective for a period of one month only from date of order. File be consigned to Record Room after due compliance.

(ANIL KUMAR SISODIA)
District Judge (Commercial Court)-04
Central/Delhi

Announced in open court
on 10.02.2026