

OMP (I) Comm. No.113/26
HDFC Bank Ltd. Vs. Dharmender Singh

19.01.2026

*Fresh petition under Sec-9 of the Arbitration & Conciliation Act is received.
It be checked and registered.*

Present: Mr. Rajesh Kumar, Associate Counsel for Petitioner.

This is a petition under Section-9 of The Arbitration & Conciliation Act which is accompanied by Statement of Truth, application seeking ex-parte ad-interim Orders, list of documents along-with documents (running upto 65 pages).

Ld. Counsel at this stage presses upon the interim relief against respondent and submits that respondent has been in default of 6 installments as on date of filing of petition and said fact is also mentioned in para no.6 of the petition.

Heard arguments on *ex-parte* ad-interim relief prayed by Petitioner under Section 9 of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as “the Act”) vide which the Petitioner prays for appointment of Receiver to take the possession of Vehicle **Make Tata Altroz 1.2 XM Plus P MT BSVI**.

Ld. Counsel submits that Respondent approached the Petitioner Bank for providing financial assistance for purchasing of Vehicle in question, under the Loan Cum-Hypothecation Agreement scheme of Petitioner Bank. On request of Respondent and as per loan agreement, the petitioner bank granted a loan of Rs.5,63,178/- and disbursed the said amount vide Loan-Cum-Hypothecation Agreement dated 05.12.2023 to the Respondent.

Ld. Counsel submits that the Respondent has defaulted in 6 EMIs. He submits that Respondent has failed to adhere to the financial discipline of repayment of the loan amount. Ld. Counsel submits that Petitioner by its legal Notice dated 27.12.2025 terminated the loan/lease agreement.

Heard on the application.

In view of the material on record and the fact that Respondent after availing loan facility has defaulted in repayment of same, this court finds it a fit case to pass following interim orders for protection of the hypothecated property, for securing recovery of the amount recoverable by the Petitioner.

Accordingly, **Mr. Vijay Singh** is appointed as "Receiver" in respect of Vehicle make **Tata Altroz 1.2 XM Plus P MT BSVI, Registration no. UP16 CU-1297** with the following terms and conditions:-

- (1) That the Receiver is directed to first give an offer to the Respondent(s) for making payment of defaulted outstanding amount before seizure of the vehicle;*
- (ii) That if the Respondent(s) makes payment of the defaulted outstanding amount as on date of possession, **the Receiver shall release the vehicle in question to the respondent on Superdari**, subject to an undertaking by the Respondent to the receiver for regular payment of future monthly installments, and a declaration not to part with the vehicle or create third party interest in the vehicle until the entire amount is paid;*

The application stands disposed off.

The arbitral proceedings be commenced within 90 days from the date of this order and intimation Report be filed by Petitioner.

Issue notice of the Petition upon Respondent on filing of PF/RC/AD/Regd. SP/Courier as well as through all e-mode, returnable on **25.02.2026**.

(Dr. Ravinder Bedi)
District Judge (Commercial Court)-12
Central District, Tis Hazari Courts /Delhi
19.01.2026