

19.05.2026

Fresh petition U/s 9 of Arbitration and Conciliation Act received through e-filing. It be checked and registered.

Pr: Sh. Sunil Sehrawat, Sh. Akshay Mathur and Sh. Tanishq Jain, Ld. counels for the petitioner.

1. Ld. counsel for the petitioner requested for ex-parte ad interim order for appointment of receiver in the present petition.
2. Heard. Record perused.
3. It is submitted that respondent has availed a loan for purchasing a vehicle make THAR, bearing registration no. UP85BZ6215 vide agreement for Loan and Guarantee bearing no. TCFUC0728000013904078 dated 16.07.2025. Petitioner acceded to the request of respondent and granted a loan of Rs.20,25,984/- to the respondent and respondent agreed to pay the total loan amount in 60 monthly installments of Rs.49,268/-.
4. The respondent however failed/avoided to make the payments, as per the loan schedule, defaulted in repayment and a recall of the loan recall notice dated 02.03.26 was served upon the respondent.
5. The respondent has also failed to respond to the notice and hence this petition was filed.
6. There was an arbitration clause in the loan facility agreement and since the respondent had failed to comply with the terms and conditions of the loan, the present petition has been filed seeking interim relief for appointment of receiver to take custody of vehicle.

7. Since respondent has not adhered to the terms of the loan agreement and defaulted continuously in 06 monthly payment of the installments, therefore, in my view prima facie case is made out in favour of petitioner and further balance of convenience also lies in favour of the petitioner.

8. In my view, if the said vehicle is disposed off by the respondent then petitioner will not be able to recover the loan amount. Any delay or postponing the grant of interim protection to which the petitioner is likely to defeat the object of filling the present petition.

9. Thus, appreciating the facts, it would thus be just and proper to appoint a Receiver in the matter to take possession of the vehicle. Hence, I appoint Sh. Amit Chamola, whose name has been given by the petitioner as Receiver to take the custody of THAR, bearing registration no. UP85BZ6215, engine no. YCM4H38955, chassis No. MA1UJ4YC2M2H24123 wheresoever and in whom so ever possession it is found subject to the following conditions:-

(i) The receiver shall take over the possession of the vehicle from the respondent(s) at the address(es) given in the loan application. If the vehicle is not available at the said address(es), the receiver shall be at liberty to recover the vehicle wherever found. However, the receiver shall not stop a running vehicle on the road to forcibly take out the driver to take the possession of the vehicle. The receiver shall also not make any attempt to block the passage of the vehicle to bring it to a halt to take its possession.

(ii) The receiver shall avoid taking the possession of the vehicle, if the vehicle is occupied by a woman, who is not accompanied by a male member. The receiver shall also avoid taking the possession of the vehicle, if the vehicle is occupied by an elderly, infirm or physically/mentally challenged person unless they are not accompanied by some Adult male member of the family. In such cases, the receiver shall take the possession of the vehicle from the borrower's residence.

(iii) The receiver shall be at liberty to take the assistance of the local police, if required, for taking over possession of the vehicle. The concerned SHO shall provide assistance to the receiver as and when requested.

(iv) The receiver shall also ensure that the possession of the vehicle does not result in any breach of peace. In the event of any breach of peace, the receiver shall not proceed without assistance of police.

(v) At the time of taking the custody of the vehicle, the receiver shall deliver a copy of this order to the person from whom the possession is taken.

(vi) At the time of taking the custody of the vehicle, the receiver shall take the photographs of the vehicle from different angles along with the person(s) occupying the vehicle as well as the place of taking over the possession.

(vii) The receiver shall prepare an inventory of the articles/accessories found in the vehicle and shall furnish the copy of the inventory to the person from whom the possession is taken.

(viii) After taking the vehicle in possession, the receiver shall keep the vehicle in safe custody in order to maintain the condition of the vehicle.

(ix) The receiver shall also hand over the copy of this order to the respondent/ occupant of vehicle in question while taking the custody of vehicle. If the defendant makes payment of the outstanding installments as on date of possession, the receiver shall release the vehicle in question to the respondent(s) on superdari, subject to an undertaking by the respondent(s) to the receiver for regular repayment of future monthly installments till the expiry of the tenure and a declaration not to part with the vehicle or create third party interest in the vehicle until the entire amount is paid.

(x) If the respondent(s) 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(s) makes the payment, the outstanding installments within the said period, the receiver shall release the vehicle to the respondent(s), subject to an undertaking as aforementioned.

(xi) The receiver shall submit his interim report before this Court within 10 days of taking the custody of the vehicle along with the photographs and inventory mentioned above.

(xii) The petitioner shall invoke the arbitration clause between the parties within 90 days, and on the failure to do so, this order shall become inoperative.

10. It is made clear that the petitioner shall strictly comply with the conditions imposed by this court vide order passed today.

11. **It is relevant to state that the petitioner shall not be allowed to sell the vehicle without seeking further direction in this regard as per law.**

12. The aforesaid order being interim in nature. It is made clear that this court has not adjudicated any liability of the respondent. The liability, if any, has to be adjudicated in accordance with law by the Arbitrator to be appointed in accordance with law.

13. **Application under Section 9 of Arbitration and Conciliation Act, 1996 for ex parte ad interim order stands disposed of accordingly.**

14. Receiver to submit report within a week for seizure of vehicle, if any.

15. **Copy of this order be given dasti.**

16. In the meantime, issue notice of the petition to the respondent through all permissible modes including electronic modes for the next date on filing of PF. Steps be taken within a week from today.

17. Petitioner is also directed to file an affidavit furnishing the

registered mobile number and e-mail ID of the respondent.

18. **Re-notify for further proceedings on 01.07.26.**

(Anil Antil)
Distt. Judge, (Comm. Court)-09,
Central District, THC : Delhi : 19.05.26