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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 14121/2025

LALITA JAGIA

.....Petitioner

Through: Mr. M.S. Sisodia, Mr. Arvind Jadon,
Mr. Ajay Sharma, Mr. Pankaj Handa,
Ms. Dipty Vashisht, Mr. Karan, Advs.

versus

AXIS BANK LIMITED & ORS.

.....Respondents

Through: Mr. Abhishek Maratha (SPC) along
with Ms. Nupur Sharma, Mr.
Himanshu Gaur, Advs. for R4/ Delhi
Police through SHO

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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15.09.2025

1. At the outset, learned counsel for the petitioner relies upon a judgment of the Karnataka High Court in *Manjula and Another versus Shriram Transport Finance Co. Ltd. Represented by its GPA Holder Kesavamurthy SL and Others (2025 SCC Online Kar 1646)* to contend that the present petition (which is directed against an order dated 24.07.2025 passed by an Arbitral Tribunal) is not only maintainable but also meritorious. The relevant portion of the aforesaid judgment reads as under:

“7. The points that would arise for determination are:

1) Can one of the parties to an arbitration agreement appoint an arbitrator without the other party's consent?

2) Whether a person who is the named Arbitrator in a notice issued under Section 21 of the Arbitration and Conciliation Act, 1996 can enter reference and pass orders without the other person consenting thereto, or without an order of appointment of Arbitrator by institution or a Court under Section 11 of the Arbitration and Conciliation Act, 1996?

3) Is the reference entered into by 2nd Respondent in the present matter



proper and correct?

4) Is the above Writ Petition maintainable?

5) What order?

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9.10. Hence, I answer Point No. 1 by holding that the appointment of the 2nd Respondent as an Arbitrator by Shriram is unilateral in nature, which is not permissible. If the other party were not to respond to the request of Shriram favourably, it was for Shriram to approach this Court under Section 11 of the Act, seeking the appointment of any Arbitrator by this Court and not to appoint an Arbitrator by itself and proceed with the matter. The orders passed by an arbitrator not properly appointed are non est.

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12.2. This would have been so, if not for the manner in which Shriram has acted inasmuch as, as observed supra, Shriram has appointed a private person as an Arbitrator without the consent of the other party, namely the Petitioners. Shriram has indulged itself in misuse of the Act, obtained so-called order from a unilaterally appointed Arbitrator for repossession of a vehicle using police help. Thus, making the police to act on the order of a person who was not even appointed as an Arbitrator. The actions on part of Shriram in doing all the above by involving the jurisdictional police, abusing the process of law, misusing the arbitral mechanism, in my considered opinion, would entitle this Court to exercise its powers under Article 226 and 227 of the Constitution of India to render effective justice to the Petitioners who have been deprived of their rights, by the above misuse on part of Shriram”

2. Issue notice.
3. Learned counsel, as aforesaid, accepts notice on behalf of the respondent no.4
4. Issue notice to the remaining respondents through all permissible modes, including electronically, returnable on 08.10.2025.
5. List on 08.10.2025 in the category of “**Admission Matters.**”

SACHIN DATTA, J

SEPTEMBER 15, 2025/uk