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

\+ ARB.P. 75/2026 & I.A. 740/2026

TATA CAPITAL HOUSING FINANCE LTD. .....Petitioner

Through: Mr. Aakash Kumar, Advocate (through VC)

versus

SUKANTA DAWN & ANR. .....Respondents

Through: None.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

O R D E R

% **13.01.2026**

I.A. 740/2026 (For Exemption)

1. Exemption allowed, subject to just exceptions.

2. Application is disposed of.

ARB.P. 75/2026

3. The present petition has been filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 (“Act”), seeking appointment of a Sole Arbitrator.

4. It is submitted that the respondent no. 1 along with their co-borrower, i.e., respondent no. 2, had approached the petitioner company for obtaining a credit facility, of the nature of home equity loan. Respondent, in consideration of the grant of the said facility, executed a Loan facility agreements dated 29th June, 2016 and other relevant documents in favour of the petitioner and accordingly respondents availed home equity loan of Rs.

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37,00,000/- (Rupees Thirty-Seven Lakhs only) and another loan Rs. 33,00,000/- (Rupees Thirty Three Lakhs only) from the petitioner.

5. It is submitted that the respondents failed to maintain the financial discipline required under the agreement and defaulted in repayment of the said credit facility, in accordance with the terms and conditions of the said facility. Further, respondents have also failed to clear outstanding dues with petitioner, despite repeated requests and reminders made by petitioner in this regard.

6. Further, it is submitted that in accordance with the rights of the petitioner and in consonance to the agreed terms of the said loan agreement, the petitioner issued a Loan Recall notice dated 01st August, 2025, whereby, the respondents were called upon to pay a sum of Rs. 88,43,983/- and Rs.77,07,207/- due under the loan agreement, i.e., total outstanding of both the loan accounts is Rs. 1,65,51,190/- as on 01st August, 2025.

7. It is submitted that an arbitration agreement is contained in the loan agreement, i.e., Clause 12.11, wherein, it is mutually agreed by the parties to resolve any dispute or differences between the parties pertaining to the present loan agreement in good faith and in consultation with each other and for such consultation/conciliation.

8. It is further submitted that the petitioner sent a notice in consonance with Clause 12.11 of the said loan agreement dated 08th August, 2025 for conciliation. Despite receipt of the said notice, the respondents neither replied nor approached the petitioner with any settlement offer.

9. Thus, the petitioner sent a notice under Section 21 of the Act, on 15th September, 2025.

10. However, the respondents despite receipt of the notices for

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conciliation and invocation of arbitration under the Act, have deliberately avoided the act in terms of the notices.

11. It is further submitted that the petitioner has also proceeded against the respondents under Section 9 of the Act, and the petition is pending adjudication before the Saket Courts, New Delhi.

12. It is submitted that the respondents are liable to pay an overdue of substantial amount of Rs. 1,70,07,818/- (Rupees One Crore Seventy Lakhs Seven Thousand Eight Hundred and Eighteen only) as on 18th September, 2025.

13. Thus, the present petition has been filed.

14. Issue notice to the respondents by all permissible modes, returnable on 12th February, 2026.

MINI PUSHKARNA, J

JANUARY 13, 2026
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