



\$~4

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

+ **ARB.P. 197/2026**

TATA CAPITAL HOUSING FINANCE LIMITED

.....Petitioner

Through: Mr. Armaan Roop Sharma and
Ms. Shelly Khanna, Advocates.

versus

MR. KALU RAM DHINGRA & ORS.Respondents

Through: None.

CORAM:

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

%

16.02.2026

I.A. 2402/2026 (Ex.)

1. Allowed, subject to all just exceptions.
2. The Application stands disposed of.

I.A. 2401/2026 (Delay of 12 days in Re-filing the petition)

3. By way of the present Application filed under Section 5 of the Limitation Act, 1963, read with Section 151 of the Civil Procedure Code, 1908, the Petitioner seeks condonation of delay of **12 days** in re-filing the present petition.
4. For the sufficient reasons stated in the Application, the delay is condoned.
5. Accordingly, the present Application stands disposed of.

ARB.P. 197/2026

6. The present Petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996, seeking the appointment of a Sole Arbitrator in terms of Clause 12 of the Home Equity Agreement



[“HEA”] dated 30.10.2019, and Clause 11 of the Additional Facility Agreement [“AFA”] dated 29.08.2020.

7. Learned counsel for the Petitioner states that the AFA was executed pursuant to the HEA. The arbitration clauses contained in the respective Agreements, i.e., Clause 12 of HEA and Clause 11 of AFA, provide that the arbitration proceedings may be conducted in any of the four cities, *namely* Mumbai, Delhi, Kolkata and Chennai. Whereas, Clause 12 of the AFA and Clause 13 of the HEA contain jurisdiction clauses, which provide that Annexure-1 to the respective Agreements shall specify the jurisdictional Court.

8. In the present case, neither of the Agreements articulate any such expression of choice between the parties as to the place in which the arbitration is to be held and the the Court whose jurisdiction the present Agreements would be subject to.

9. Issue notice.

10. Upon the Petitioner taking appropriate steps within a period of two (2) weeks from today, let notice be issued to the Respondents through all permissible modes, returnable on 17.03.2026.

HARISH VAIDYANATHAN SHANKAR, J.
FEBRUARY 16, 2026/nd/her/sg